

# Third District Court of Appeal

## State of Florida

Opinion filed November 20, 2019.  
Not final until disposition of timely filed motion for rehearing.

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Nos. 3D19-1596 & 3D19-1605  
Lower Tribunal No. 17-24650

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**Delant Construction Co.,**  
Petitioner,

vs.

**Deauville Associates, LLC,**  
Respondent.

On Petition for Writ of Certiorari from the Circuit Court for Miami-Dade County, Barbara Areces, Judge.

Baumann, Gant & Keeley, P.A., Gary F. Baumann, and Gerald C. Biondi (Fort Lauderdale), for petitioner.

Martinez Morales, LLC, and Raul Morales, for respondent.

Before FERNANDEZ, MILLER, and GORDO, JJ.

PER CURIAM.

Denied. See Nat'l Union Fire Ins. Co. of Pittsburgh v. Se. Bank, N.A., 476 So. 2d 766, 676 (Fla. 3d DCA 1985) (“A right to subrogation does not arise until judgment is entered or payment has been made.”) (citations omitted); see also Clark v. Bluewater Key RV Ownership Park Prop. Owners Ass'n, Inc., 226 So. 3d 276, 281 (Fla. 3d DCA 2017) (“[T]he decision to sever claims and conduct separate trials pursuant to Florida Rule of Civil Procedure 1.270(b) is within the trial court’s discretion.”) (citation omitted); Fla. R. Civ. P. 1.270(b) (“The court in furtherance of convenience or to avoid prejudice may order a separate trial of any claim, crossclaim, counterclaim, or third-party claim, or of any separate issue or of any number of claims, counterclaims, third-party claims, or issues.”).