

Third District Court of Appeal

State of Florida

Opinion filed December 1, 2021.
Not final until disposition of timely filed motion for rehearing.

No. 3D20-1548
Lower Tribunal No. 19-32391

Save Grove Isle, LLC, et al.,
Appellants,

vs.

The City of Miami, et al.,
Appellees.

An Appeal from the Circuit Court for Miami-Dade County, Michael A. Hanzman, Judge.

Law Offices of Alan Goldfarb, P.A., and Alan Goldfarb, and David C. Appleby, for appellants.

Victoria Méndez, City Attorney, and John A. Greco, Deputy City Attorney, for appellee The City of Miami; White & Case LLP, and Raoul G. Cantero, and Maria J. Beguiristain; and Shubin & Bass, P.A., and John K. Shubin and Juan J. Farach, for appellee Grove Isle Associates, LLLP.

Before LOGUE, SCALES and HENDON, JJ.

HENDON, J.

Save Grove Isle, LLC, et al. (“SGI”) appeals from an order dismissing with prejudice its third amended complaint against Grove Isle Associates, LLLP and The City of Miami; and, alternatively, the order dismissing without prejudice SGI’s counts against The City of Miami based on SGI’s failure to exhaust administrative remedies. Based on our de novo review of the record, the extensive litigation history and our prior rulings,¹ we conclude SGI’s arguments are without merit and affirm the dismissal with prejudice as to Grove Isle Associates, LLLP. We affirm the trial court’s alternative dismissal without prejudice as to The City of Miami. See City of South Miami v. Meenan, 581 So. 2d 228, 228 (Fla. 3d DCA 1991); S. A. Healy Co. v. Town of Highland Beach, 355 So. 2d 813, 815 (Fla. 4th DCA 1978).

Affirmed.

¹ Preserve Grove Isle, LLC v. Grove Isle Yacht & Tennis Club, 319 So. 3d 786 (Fla. 3d DCA 2021) (3D20-830, affirming the final judgment approving the Settlement Agreement); see also Grove Isle Ass’n, Inc. v. Grove Isle Associates, LLLP, 137 So. 3d 1081(Fla. 3d DCA 2014).