

# Third District Court of Appeal

State of Florida, July Term, A.D. 2007

Opinion filed October 31, 2007.

Not final until disposition of timely filed motion for rehearing.

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No. 3D06-2223

Lower Tribunal No. 03-30189

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**Teamcare Infusion Inc.,**  
Appellant,

vs.

**Comprehensive Health Management, Inc.,**  
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Lawrence A. Schwartz and Sarah I. Zabel, Judges.

Alan C. Gold, for appellant.

Shutts & Bowen LLP and Gary M. Bagliebter and Sandra Upegui and Temple Fett Kearns, for appellee.

Before GERSTEN, C.J., and CORTIÑAS, J., and SCHWARTZ, Senior Judge.

PER CURIAM.

The award of sanctions under section 57.105, Florida Statutes (2006), is reversed with directions to deny the application because, as a matter of law, the

facts and circumstances of the case do not demonstrate any of the statutory prerequisites for that relief. See *Bowen v. Brewer*, 936 So. 2d 757 (Fla. 2d DCA 2006), review denied, 952 So. 2d 1188 (Fla. 2007); *Connelly v. Old Bridge Vill. Co-Op, Inc.*, 915 So. 2d 652 (Fla. 2d DCA 2005); *Munoz v. City of Miami*, 853 So. 2d 489 (Fla. 3d DCA 2003); *Read v. Taylor*, 832 So. 2d 219 (Fla. 4th DCA 2002). This holding pretermits the discussion of the several other, apparently meritorious, grounds asserted for reversal.

Reversed and remanded.