

NOT FINAL UNTIL TIME EXPIRES
TO FILE REHEARING MOTION
AND, IF FILED, DISPOSED OF

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA

THIRD DISTRICT

JULY TERM, A.D. 2001

ROBERTO M. BENITEZ,
Appellant,

**

**

vs.

** CASE NO. 3D01-1354

MARIA E. PERRY,
Appellee.

** LOWER
TRIBUNAL NO. 00-27204

**

Opinion filed November 7, 2001.

An Appeal from the Circuit Court for Miami-Dade County, Amy
Steele Donner, Judge.

Stephen H. Butter, for appellant.

Cynthia D. Tarafa, for appellee.

Before SCHWARTZ, C.J., and FLETCHER and SORONDO, JJ.

PER CURIAM.

As there are material issues of fact in dispute, we reverse
the final summary judgment entered below and remand for further
proceedings.