

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

SMITH TERMINAL WAREHOUSE  
COMPANY, et al.,

Appellants,

vs.

LAZARO F. FRAGA,

Appellee.

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CASE NO. 01-1620

LOWER  
TRIBUNAL NO. 99-27457

Opinion filed December 26, 2001.

An Appeal from the Circuit Court for Dade County, Barbara S.  
Levenson, Judge.

O'Connor, Chimpoulis, Restani, Marrero & McAllister and David  
Cassetty, for appellants.

Mark J. Feldman, for appellee.

Before JORGENSEN, LEVY, and SHEVIN, JJ.

PER CURIAM.

The defendants below appeal from a final judgment entered for the

plaintiff, an order denying their motion for a directed verdict, and an order denying their motion for a new trial. We find no merit in the defendants' arguments and affirm. See In re Estate of Brandt, 613 So. 2d 1365 (Fla. 1st DCA 1993)('Only a deliberate and contumacious disregard of the court's authority, bad faith, willful disregard or gross indifference to an order of the court, or conduct which evinces deliberate callousness will justify a dismissal of pleadings for a violation of discovery procedures.' (quoting U.S.B. Acquisition Co. v. U.S. Block Corp., 564 So. 2d 221, 222 (Fla. 4th DCA))). See also Medina v. Peralta, 26 Fla. L. Weekly D2636 (Fla. 3d DCA Nov. 7, 2001) ('A directed verdict is proper only when the record conclusively shows an absence of facts or inferences from facts to support a jury verdict, viewing the evidence in a light most favorable to the nonmoving party.' (quoting Sears, Roebuck & Co. v. McKenzie, 502 So. 2d 940, 941 (Fla. 3d DCA 1987))).

AFFIRMED.