

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. 2002

CHRISTEL PLAZA CORPORATION,

**

Appellant,

** CASE NO. 3D01-1993

**

vs.

**

SOUTHERN SKATING, INC.,
et al.,

LOWER TRIBUNAL
CASE NO. 00-6114

Appellees.

**

Opinion filed November 6, 2002.

An appeal from the Circuit Court of Miami-Dade County,
Bernard S. Shapiro, Judge.

Salas, Ede, Peterson & Lage and Douglas E. Ede, for
appellant.

Alan C. Gold; Hessen, Schimmel & De Castro; Allan Jay Atlas,
for appellees.

Before COPE, LEVY, and FLETCHER, JJ.

PER CURIAM.

This is an appeal from a dismissal of an intervention action

for failure to timely file an amended complaint. Finding the dismissal too severe a sanction under the circumstances herein, which involved the actions of the intervener's counsel and not his client, we reverse for reinstatement. See e.g. Town of Manalapan v. Florida Power & Light Co., 815 So. 2d 670 (Fla. 4th DCA 2002); Rosenberg v. Miller, 453 So. 2d 885 (Fla. 3d DCA 1984). Upon remand, the trial court may consider imposing a more appropriate sanction upon the attorney.

Reversed and remanded with directions to reinstate the action.