

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., 2004

KEVIN DEL VALLE, a minor by and  
through his parent, IDAINA  
FERNANDEZ, and IDAINA FERNANDEZ,  
individually, et al.,

Appellants,

vs.

DR. RAFAEL SANCHEZ, et al.

Appellee.

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\*\* CASE NO. 3D03-1369

\*\* LOWER

TRIBUNAL NO. 98-11386

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Opinion filed October 6, 2004.

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

Mark D. Press; Kluger, Peretz, Kaplan & Berlin and Michael  
B. Chesal; Joel Perwin, for appellants.

Marisa Tinkler Mendez, for appellee.

Before GERSTEN, GODERICH, and GREEN, JJ.

PER CURIAM.

Under the unique and peculiar circumstances in this case, we determine the trial court's dismissal of this action was too harsh a sanction. Accordingly, we reverse and remand. The trial court can, however, consider other sanctions, such as fees and costs, should it deem them fit and proper.

Reversed and remanded.