

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

BRUCE TROW,

\*\*

Appellant,

\*\*

vs.

\*\* CASE NO. 3D03-2332

MURRAY SAMS, Jr., and SAMS,  
LISTER & HOLLON, P.A.,

\*\*

Appellees.

\*\* LOWER  
TRIBUNAL NO. 01-20494  
\*\*

Opinion filed November 17, 2004.

An Appeal from the Circuit Court for Miami-Dade County,  
Marc Schumacher, Judge.

Adams Coogler Watson Merkel Barry & Kelner; Marjorie  
Gadarian Graham, for appellant.

Sams Martin Lister and Alvarez, for appellees.

Before LEVY and RAMIREZ, JJ., and DAUKSCH, James C., Jr., Senior  
Judge.

PER CURIAM.

Plaintiff appeals from an order granting the defendants'  
motion to dismiss for lack of prosecution. Because the record

on its face establishes that there was record activity in the year preceding the filing of the motion, we reverse. Gelb v. Mirand, 456 So. 2d 548 (Fla. 3d DCA 1984); Kenet v. Stein, 326 So. 2d 36 (Fla. 3d DCA 1976).

REVERSED AND REMANDED