

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JANUARY TERM, 2004

VERZURA CONSTRUCTION, INC., etc., **

Appellant, **

vs.

** CASE NO. 3D03-2346

OJITO AND ASSOCIATES, INC., etc., **
et al.,

LOWER
TRIBUNAL NO. 00-30581

Appellees. **

Opinion filed May 12, 2004.

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

Kluger, Peretz, Kaplan & Berlin, and Andrew P. Gold and Dianne O. Fischer, for appellant.

Daniels, Kashtan, Downs, Robertson & Magathan, and Madelyn Simon Lozano, for appellees.

Before SCHWARTZ, C.J., and GODERICH and GREEN, JJ.

PER CURIAM.

As the appellee, Ojito and Associates, Inc. [OAI], properly concedes, the trial court lacked jurisdiction to rule on its motion

for summary judgment where OAI had been dropped as a party. See
Sas v. Postman, 687 So. 2d 54 (Fla. 3d DCA 1997). Therefore, we
reverse the order granting OAI's motion for summary judgment.

Reversed.