

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, A.D. 2004

GLADYS M. LOPEZ,	**	
Petitioner,	**	
vs.	**	CASE NO. 3D03-2535
PAUL H. BASS,	**	LOWER
Respondent.	**	TRIBUNAL NOS. 02-010 AP 97-17770

Opinion filed January 28, 2004.

A Petition for Writ of Certiorari to the Circuit Court for
Dade County, Ronald M. Friedman, Judge.

Lopez & Best, and Virginia M. Best, for petitioner.

Paul H. Bass, for respondent.

Before LEVY, GERSTEN, and RAMIREZ, JJ.

PER CURIAM.

This is a Petition for Writ of Certiorari challenging an order
denying the motion of petitioner (appellee at the circuit level) to
accept the answer brief as timely filed. Petitioner alleges that
the second motion for enlargement of time to file answer brief was

denied on July 9, 2003, but petitioner's counsel never received the order. The order did not give petitioner a deadline within which to file the brief. Petitioner filed her brief on July 21, 2003, but the circuit court refused to accept the brief as timely.

We deny certiorari without prejudice because at this point petitioner cannot show irreparable harm. Even though her brief has been refused, she may still prevail on the merits of her appeal.