

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

MICHAEL ROMERO,	**	
Appellant,	**	
vs.	**	CASE NO. 3D03-2820
MARTIN HARBIN, Individually,	**	
and BUGGY BUS, INC., a	**	
Florida corporation,	**	
Appellees.	**	LOWER TRIBUNAL NO. 01-1215

Opinion filed April 7, 2004.

An appeal from the Circuit Court for Monroe County, Richard G. Payne, Judge.

Charles M. Milligan, for appellant.

Sellars, Marion & Bachi, P.A., and Bard D Rockenbach and William E. Calnan, for appellees.

Before SCHWARTZ, C.J., and COPE and SHEVIN, JJ.

PER CURIAM.

Michael Romero appeals an order dismissing his personal injury action. The trial court granted the appellees' motion to dismiss for fraud, finding that there had been material misrepresentations

and omissions regarding his previous medical history, educational attainment, and previous work history. We affirm on authority of Long v. Swofford, 805 So. 2d 882 (Fla. 3d DCA 2001).

Affirmed.

COPE and SHEVIN, JJ., concur.

Romero v. Martin Harbin, et al.
Case no. 3D03-2820

SCHWARTZ, Chief Judge (dissenting).

As in Long v. Swofford, 805 So. 2d 882, 884 (Fla. 3d DCA 2001) (dissenting opinion), I would reverse because the punishment visited on the very-much-less-than-candid Mr. Romero--depriving him of a plainly meritorious claim for a serious and objective injury--is far too severe for his offense.