

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

WILLIAM H. GRAVITT, III, and
JAVCO INTERNATIONAL CORPORATION,

**
**

Appellants,

vs.

** CASE NOS. 3D04-353
3D04-1251

ANOVA FOOD BV, a foreign
corporation and CONSTANT MULDER,

**
**
**

Appellee.

LOWER
TRIBUNAL NO. 02-19607

Opinion filed October 13, 2004.

An Appeal from the Circuit Court for Miami-Dade County,
Jennifer D. Bailey and Jerald Bagley, Judges.

Jack P. Attias, for appellant.

David L. Rich, P.A. and Adam E. Miller (Margate); McManus &
Smith, LLP, and Ray S. Smith, III (Georgia), for appellee.

Before COPE, GERSTEN, and GREEN, JJ.

PER CURIAM.

In this consolidated appeal, Javco International
Corporation and William H. Gravitt, III appeal from final

summary judgments entered in favor of the defendants, Anova Food BV. and Constant Mulder, in these malicious prosecution cases. Because we find that there are genuine issues of material fact as to whether there were bona fide terminations on the merits, we reverse. See Alamo Rent-A-Car, Inc. v. Mancusi, 632 So. 2d 1352 (Fla. 1994) (whether bargained for agreement constitutes bona fide termination is question of fact for jury).

GERSTEN and GREEN, JJ., concur.

COPE, J. (concurring in part and dissenting in part).

In my view the trial court correctly entered summary judgment against Javco International Corporation on one of its malicious prosecution claims in the order dated October 7, 2003. I concur in reversing the summary judgment on the remaining claims.