

# Third District Court of Appeal

State of Florida, July Term, A.D. 2012

Opinion filed December 19, 2012.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D12-779  
Lower Tribunal No. 06-138

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**Kimberly Ann Miles and Jody Haynes,**  
Appellants,

vs.

**Daniel Weingrad, M.D.,**  
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Jennifer Bailey,  
Judge.

Alex Alvarez; Robert S. Glazier, for appellants.

Henderson, Franklin, Starnes & Holt and Bruce M. Stanley, Sr. (Ft. Myers);  
Hicks Porter, Ebenfeld & Stein, Dinah Stein and Mark Hicks, for appellee.

Before WELLS, C.J., and SUAREZ, J., and SCHWARTZ, Senior Judge.

WELLS, Chief Judge.

Finding no conflict between our prior opinion in Weingrad v. Miles, 29 So. 3d 406 (Fla. 3d DCA 2010), and the Supreme Court's opinion in American Optical Corp. v. Spiewak, 73 So. 3d 120 (Fla. 2011), we affirm.