

Third District Court of Appeal

State of Florida, January Term, A.D. 2008

Opinion filed May 28, 2008.

Not final until disposition of timely filed motion for rehearing.

No. 3D07-170

Lower Tribunal No. 00-5677

Gianina Kutlesic,
Appellant,

vs.

**Martin R. Mervel and Denise Ellen Peak, as personal
representatives of the Estate of Bernard Mervel, deceased,**
Appellees.

An Appeal from the Circuit Court for Miami-Dade County, Mindy Glazer,
Judge.

Erik W. Scharf (Coconut Creek), for appellant.

Golden & Cowan and Edward I. Golden; Jay M. Levy, for appellees.

Before COPE and SUAREZ, JJ., and SCHWARTZ, Senior Judge.

PER CURIAM.

Affirmed.

SUAREZ, J., and SCHWARTZ, Senior Judge, concur.

Gianina Kutlesic v. Martin R. Mervel and Denise Ellen Peak
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COPE, J. (dissenting).

I would reverse on authority of Lauda v. H.F. Mason Equipment Corp., 407
So. 2d 392 (Fla. 3d DCA 1981).