

# Third District Court of Appeal

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

Opinion filed May 21, 2008.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D07-2257  
Lower Tribunal No. 06-5215

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**Sylvia Gianformaggio,**  
Appellant,

vs.

**Sears Roebuck & Co., a foreign corporation, and Cole Vision  
Corporation, a foreign corporation,**  
Appellees.

An Appeal from the Circuit Court for Miami-Dade County, Michael Genden,  
Judge.

Feiler & Leach and Martin E. Leach, for appellant.

Arnstein & Lehr and Alfredo Marquez-Sterling, for appellee Sears Roebuck &  
Co.

Conroy, Simberg, Ganon, Krevans, Abel, Lurvey, Morrow & Schefer and  
Hinda Klein, for appellee Cole Vision Corporation.

Before LAGOA and SALTER, JJ., and SCHWARTZ, Senior Judge.

PER CURIAM.

Affirmed. See *Mercer v. Raine*, 443 So. 2d 944 (Fla. 1983); *Burnette v. Grove Isle Club, Inc.*, 710 So. 2d 80 (Fla. 3d DCA 1998), review denied, 719 So. 2d 892 (Fla. 1998), cert. denied, 528 U.S. 818 (1999); *Davis Garden Estates, Inc. v. Am. Inv. Realty, Inc.*, 670 So. 2d 1180 (Fla. 3d DCA 1996); *Levine v. Del Am. Props., Inc.*, 642 So. 2d 32 (Fla. 5th DCA 1994).