

# Third District Court of Appeal

State of Florida, January Term, A.D. 2010

Opinion filed February 17, 2010.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D09-978  
Lower Tribunal No. 04-11881

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**Golden Gate Homes, L.C.,**  
Appellant,

vs.

**Concrete Unlimited, Inc.,**  
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Gisela Cardonne Ely, Judge.

Geofrey D. Ittleman (Fort Lauderdale), for appellant.

Broad and Cassel, Ronald M. Gaché and Scott A. Simon (West Palm Beach), for appellee.

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

PER CURIAM.

Affirmed. See Kelly v. School Board of Seminole County, 435 So. 2d 804  
(Fla. 1983).