

Third District Court of Appeal
State of Florida, January Term, A.D. 2010

Opinion filed June 30, 2010.
Not final until disposition of timely filed motion for rehearing.

No. 3D09-1475
Lower Tribunal No. 08-37577

Doctor Diabetic Supply, Inc.,
Appellant,

vs.

POAP Corp. d/b/a Exchange Place,
Appellee.

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

Grumer & Macaluso and Keith T. Grumer, for appellant.

Ruden McClosky and John H. Pelzer and Robin F. Hazel, for appellee.

Before RAMIREZ, C.J., and COPE and ROTHENBERG, JJ.,

PER CURIAM.

This is an appeal of a summary final judgment in a breach of contract action. We concur with the trial judge that the damages sought by the appellant Doctor Diabetic Supply, Inc. amounted to consequential damages. See Hardwick Props., Inc. v. Newbern, 711 So. 2d 35, 40-41 (Fla. 1st DCA 1998). The parties' contract contained a Limitation of Liability provision which precluded recovery of consequential damages. The summary judgment is affirmed.