

Third District Court of Appeal

State of Florida, July Term, A.D. 2011

Opinion filed November 16, 2011.
Not final until disposition of timely filed motion for rehearing.

No. 3D11-2566
Lower Tribunal No. 09-1632

Prospero Munguia,
Appellant,

vs.

Miami-Dade County School Board, etc., et al.,
Appellees.

An Appeal from the Circuit Court for Miami-Dade County, Barbara Areces,
Judge.

Richard A. Sicking, for appellant.

Angones, McClure & Garcia, and Surama Suarez, for appellees.

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

On Motion to Dismiss as Untimely

SCHWARTZ, Senior Judge.

The lower court order of July 16, 2009, which merely “granted” a motion to
dismiss, was not an appealable final judgment, see Gries Inv. Co. v. Chelton, 388

So. 2d 1281, 1282 (Fla. 3d DCA 1980); *Donnell v. Indus. Fire & Cas. Co.*, 378 So. 2d 1344, 1346 (Fla. 3d DCA 1980), so an earlier appeal from that order was properly dismissed. Because the present appeal was timely taken from the judgment of September 1, 2011, which actually dismissed the case and was therefore the first appealable order entered below, the appellees' motion to dismiss is not well taken.

Motion denied.