

FIRST DISTRICT COURT OF APPEAL OF FLORIDA

Dyck-O'Neal, Inc. v. Alice Cislo

No. 1D17-2151 · No. No. 1D17-2151 · Decided February 5, 2019

SUMMARY

The Florida Supreme Court quashed the First District Court of Appeal's prior decision and remanded the case for reconsideration in light of *Dyck-O'Neal, Inc. v. Lanham*. On remand, the First District reversed the trial court's dismissal and remanded for a determination on the merits of Dyck-O'Neal's deficiency claim.

OPINION

PER CURIAM.

FIRST DISTRICT COURT OF APPEAL STATE OF FLORIDA
_____ No. 1D17-2151 _____ DYCK-
O'NEAL, INC., Appellant, v. ALICE CISLO, Appellee. _____ On
appeal from the Circuit Court for Taylor County. Gregory S. Parker, Judge. February 5, 2019 ON
REMAND FROM THE FLORIDA SUPREME COURT PER CURIAM.

The Florida Supreme Court has quashed the decision in this case and remanded with instructions that we reconsider the matter in light of its decision in *Dyck-O'Neal, Inc. v. Lanham*, 43 Fla. L. Weekly S278 (Fla. July 5, 2018).

In compliance with the Florida Supreme Court's directive, we reverse the trial court's dismissal order and remand this case for determination on the merits of Dyck-O'Neal's deficiency claim. REVERSED and REMANDED. B.L. THOMAS, C.J., and LEWIS and MAKAR, JJ., concur. _____ Not final until disposition of any timely and authorized motion under Fla. R. App.

P. 9.330 or 9.331. _____ Susan B. Morrison, of Law Offices of Susan B. Morrison, P.A., and David M. Snyder, of David M. Snyder, and Joshua D. Moore, of Law Offices of Daniel C. Consuegra, Tampa, for Appellant. James Dale Gibson, of Gibson, Kohl, Wolff & Hric, P.L., Sarasota, for Appellee. 2