

DISTRICT COURT OF APPEAL OF FLORIDA, SECOND DISTRICT

Frank Rossotto v. West Park Village Condominium Association, Inc.

Rossotto · No. 2D17-2738 · Decided March 28, 2018

SUMMARY

The Florida Second District Court of Appeal dismissed the appeal for lack of jurisdiction. The court held that an order merely granting a motion for summary judgment is not a final order because it does not enter judgment for or against a party.

CASE DETAILS

COURT	District Court of Appeal of Florida, Second District
WRITING FOR THE COURT	Per Curiam; LaROSE, C.J.; CRENSHAW, J.; LUCAS, J.
JURISDICTION	Florida
DECIDED	March 28, 2018
DOCKET	2D17-2738
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from a circuit-court order that merely granted a motion for summary judgment.
STANDARD OF REVIEW	De novo review of appellate jurisdiction and the finality of the order under review.
PRECEDENTIAL VALUE	Published; precedential value under Florida law not otherwise specified in the opinion text.
PARTIES	Frank Rossotto v. West Park Village Condominium Association, Inc.

TOPICS

[appellate jurisdiction](#)[final judgment rule](#)[summary judgment](#)[appellate procedure](#)[civil procedure](#)

PRACTICE AREAS

[appellate procedure](#)[civil procedure](#)[real estate](#)

QUESTIONS PRESENTED

1. Whether the district court had jurisdiction to review an order that merely granted a motion for summary judgment without entering judgment for or against a party.

HOLDINGS

1. An order merely granting a motion for summary judgment is not a final order because it does not enter judgment for or against a party; therefore, the district court lacked jurisdiction over the appeal.

KEY QUOTATIONS

“We dismiss this appeal for lack of jurisdiction.”

“[A]n order merely granting a motion for summary judgment is not a final order because it does not enter judgment for or against a party.” (489)

FACTUAL BACKGROUND

The appeal arose from an order granting a motion for summary judgment in a dispute involving a condominium association. The opinion does not discuss the underlying substantive facts because it resolved the appeal on jurisdictional grounds.

PROCEDURAL HISTORY

Frank Rossotto appealed from the Circuit Court for Hillsborough County. The Second District dismissed the appeal for lack of jurisdiction because the order merely granted summary judgment and did not enter judgment for or against either party.

DISPOSITION

dismissed

CASES CITED

- Wahl v. Taylor, 926 So. 2d 488, 489 (Fla. 2d DCA 2006)
- Better Gov't Ass'n of Sarasota Cty. v. State, 802 So. 2d 414 (Fla. 2d DCA 2001)

OPINION

PER CURIAM.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED IN THE DISTRICT COURT OF APPEAL OF FLORIDA SECOND DISTRICT FRANK ROSSOTTO,)) Appellant,)) v.) Case No. 2D17-2738) WEST PARK VILLAGE CONDOMINIUM) ASSOCIATION, INC.,)) Appellee.)) Opinion filed March 28, 2018. Appeal from the Circuit Court for Hillsborough County; Perry A. Little, Senior Judge.

Frank Rossotto, pro se. Stephan C. Nikoloff of Cianfrone, Nikoloff, Grant & Greenberg, P.A., Dunedin, for Appellee. PER CURIAM. We dismiss this appeal for lack of jurisdiction. See Wahl v. Taylor, 926 So. 2d 488, 489 (Fla. 2d DCA 2006) (“[A]n order merely granting a motion for

summary judgment is not a final order because it does not enter judgment for or against a party.");
Better Gov't Ass'n of Sarasota Cty. v. State, 802 So.

2d 414 (Fla. 2d DCA 2001). LaROSE, C.J., and CRENSHAW and LUCAS, JJ., Concur. -2-

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