

# M A N D A T E

from

**DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA**

## **SECOND DISTRICT**

THIS CAUSE HAVING BEEN BROUGHT TO THIS COURT BY APPEAL,  
AND AFTER DUE CONSIDERATION THE COURT HAVING ISSUED ITS OPINION;

YOU ARE HEREBY COMMANDED THAT SUCH FURTHER PROCEEDINGS  
BE HAD IN SAID CAUSE , IF REQUIRED, IN ACCORDANCE WITH THE OPINION OF  
THIS COURT ATTACHED HERETO AND INCORPORATED AS PART OF THIS  
ORDER, AND WITH THE RULES OF PROCEDURE AND LAWS OF THE STATE OF  
FLORIDA.

WITNESS THE HONORABLE STEVAN T. NORTHCUTT CHIEF JUDGE OF THE  
DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA, SECOND DISTRICT,  
AND THE SEAL OF THE SAID COURT AT LAKELAND, FLORIDA ON THIS DAY.

DATE: December 9, 2008

SECOND DCA CASE NO. 2D08-3230

COUNTY OF ORIGIN: Manatee

LOWER TRIBUNAL CASE NO. 2008-CA-3664

CASE STYLE: C M I, INC., D/B/A C M I, INC. OF KENTUCKY v. ISMAEL ALMAREZ, ET AL., & STATE OF FLORIDA

FILED FOR RECORD  
MANATEE COUNTY  
2008 DEC 11 PM 2:11



*James Birkhold*  
James Birkhold  
Clerk

cc: (Without Attached Opinion)

Jarrod Malone, Esq.

Michael S. Taaffe, Esq.

Robert N. Harrison, Esq.

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NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING  
MOTION AND, IF FILED, DETERMINED.

IN THE DISTRICT COURT OF APPEAL

OF FLORIDA

SECOND DISTRICT

CMI, INC. OF KENTUCKY,

Petitioner,

v.

Case No. 2D08-3230

ISMAEL ALMARAZ, JUDSON ADAMSKI )  
FRANK J. AULT, JOHN AUSTIN, DAVID )  
AVILA, DENNIS BAIONE, JAMES P. )  
BARRY, DEREK MICHAEL BARTLEY, )  
JOHN N. BEHLING, SUSAN RUSS )  
BELDAD, GEORGE J. BIGAOUETTE, )  
ROBERT T. BLECKINGER, JENNIFER )  
BOEHMER, WILLIAM TAYLOR )  
BOMHAUSER, KEVIN LYLE BOUDROT, )  
AARON ALAN BOYD, ANDREW PAUL )  
BOYER, MARK BRANDT, CYNTHIA )  
ZOLLER BRENNAN, PHILIP BREWER, )  
BRIAN JOSEPH BRYANT, AUGUSTUS )  
CAPERS, LAURIE CARDY, ALFREDO )  
JORGE CARVALLO, REMIGIO )  
CENTENO, THOMAS MATTHEW )  
CHANCEY, ROBERT KILEY CHANDLER, )  
THOMAS CLARK, JEFFREY L. CLINE, )  
JAYSON GUY COFFEY, JAMES MILLER )  
COLVIN, JACOB DALE COX, JOSE DIAZ )  
HERNANDEZ, REFUGIO DORGO, )  
DEBORAH DODDS, JAIME DOMINGUEZ, )  
DOUGLAS FOSTER, TODD DOYON, )  
LINDA ELLIGOTT, SHEILA ESPOSITO, )  
CHRISTINA LYNN FERRELI, JAKE )  
FLECK, ANDREA MARIE FORESTANDI, )  
DOUGLAS FOSTER, C. RAY FOUTTY, )  
JUAN GARCIA, RYAN M. GERRETY, )  
CHARLES GOLDING, MARVIN GOMEZ, )  
MARIANO GONZALEZ, TIMOTHY )  
GOSSAGE, CAROL GRACK, ROBERT )  
ALLEN GREEN, ANDRES GUZMAN-

PEREZ, SUSAN HANKINS, JAMES )  
ALLEN HENRY, LUNDHURST R. )  
HERBERT- CLARK, CAMPOSECO )  
HERNANDEZ, MAXIMINO HERNANDEZ- )  
ROJAS, CLYDE HINES, RICHARD R. )  
HINCH, JR., MICHAEL J. HOFFMAN, )  
DANIEL S. HOPKINS, DAVID L. HUNT, )  
WILLIAM J. HUTTENHOWER, DANIEL )  
INGINO-REYES, MARIO JACINTO-DIAZ, )  
ROBERT JONES, SLAVISA KATANIC, )  
CHRISTINA KIBLER, JOHN SAMUEL )  
KIRBY, ROBERT E. KISON, CHERI L, )  
KNISELY, RUBY LAKE, EMMETT LANGE, )  
NICHOLAS ROBERT LEDUC, JOHN )  
KENT LEGATE, TIMOTHY EDWARD )  
LEWIS, RUTH ANN LOCHNER, BRIAN )  
BERDETTE LOCKHART, JAMIE LONG, )  
JEREMY LOWE, JULIE MAGNUSSON, )  
FLORENCIO MARINES, JAMES MARTIN, )  
MICHAEL MARTIN, CLARA MARTINEZ, )  
MARK MACDONALD, MICHAEL J. )  
MCGUIRE, PATRICIA ANN MCKEE, )  
JUAN MCQUEEN, FLOYD G. MILLICAN, )  
JANELLE R, MITCHENER, JOHN )  
EDWARD MORAN, J. CHRISTOPHER )  
MORRIS, NATHAN MOYER, JOSEPH )  
EDWARD NAVAS, JAMES LINWOOD )  
NORDBERG, EDWIN PALINO, JEFFREY )  
PARLAGRECO, DANIEL PAYNE, BRENT )  
ALAN PEARSON, ELIZABETH PEPPER, )  
SHAWN DALE PHILLIPS, JAMES DEWEY )  
PHILLIPS, RICHARD PITCHFORD, )  
JEAN POPE, JEFFREY PRATER, )  
RONNEE C. RACHEL, JENNY READY, )  
RAYMOND REILLY, SIMON REYES- )  
SEGURA, SCOTT WAYNE RICKERT, )  
GERHARD RIEDL, ARIELLE )  
ROSENBERG, LARRY F. SCHWALBACH, )  
LYNETTE RICE SINGLEY, MICHELLE )  
SMITH, CONSTANCE STOKES, JOHN )  
DOMINICK SUPPICICH, FRANCISCO )  
TAVERAS, JAMES TEMPLE, DONALD )  
TEMPLETON, THOMAS GROOM )  
TERRELL, JOHN WAYNE THOMPSON, )  
PAUL EDMUND TORREY, KIMBERLY )  
TRAVIS, JOE BILL TURNER, LUCAS )

TUTEN, NATALIE M. VAKAUTA, JAMES )  
VANHOLTEN, JOAN VERHULST, LUAN )  
VO, ROBERT JOHN WALTERS, )  
SHELLEY CRAIG WATTS, )  
CHRISTOPHER WEEKS, SHAWNNA )  
BRITTNEY WHELESS, VINCENT WHITE, )  
GENE EDWARD WIGGINS, DAVID )  
WILSON- VILLASENOR, RICHARD CARL )  
WIMMER, WILLIAM WOEHLE, CANDIDO )  
YANES-OCHOA, DAVID YEPES, FILLIPE )  
ZACARIAS, and STATE OF FLORIDA, )  
 )  
 )  
Respondents. )  
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Opinion filed November 21, 2008.

Petition for Writ of Certiorari to the Circuit  
Court for Manatee County; Edward Nicholas,  
Judge.

Michael S. Taaffe and Jarrod J. Malone of Abel  
Band, Chartered, Sarasota, for Petitioner.

No appearance for Respondent State of  
Florida.

Robert N. Harrison, Venice, for remaining  
Respondents.

PER CURIAM.

Affirmed. See Vliegenthart v. Grover, 575 So. 2d 781 (Fla. 5th DCA  
1991); City of Fort Lauderdale v. Bamman, 519 So. 2d 37 (Fla. 4th DCA 1988).

FULMER, WHATLEY, and KHOUZAM, JJ., Concur.