

Supreme Court of Florida

WEDNESDAY, OCTOBER 31, 2007

CASE NO.: SC07-1907

Lower Tribunal No(s): 37-2007-CA-1862, 1D07-5029

KURT S. BROWNING, ETC. vs. ERIC M. HERSH, ETC., ET AL.

Appellant/Cross-Appellee

Appellee/Cross-Appellant

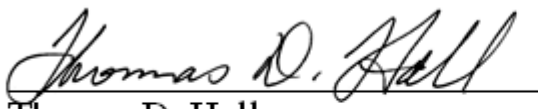
Appellant/Cross-Appellee having filed a proper notice of dismissal pursuant to Florida Rule of Appellate Procedure 9.350(b), it is ordered that the appeal is dismissed. As a result of the voluntary dismissal, the automatic stay of the trial court's order, pursuant to Florida Rule of Appellate Procedure 9.310, is vacated. The trial court's order is final as to appellant/cross-appellee and can be enforced.

Because the issues raised in Appellees/Cross-Appellants' Cross-Notice of Appeal do not require immediate resolution by this Court, the cross-appeal is hereby remanded to the First District Court of Appeal for resolution by that Court. Any pending motions, including motions to appear as amicus curiae for the Cross-Appellants, are denied without prejudice to refile in that Court.

The above case, which was scheduled for oral argument on December 3, 2007, has been removed from the oral argument calendar.

LEWIS, C.J., and WELLS, ANSTEAD, PARIENTE, QUINCE, CANTERO, and BELL, JJ., concur.

A True Copy
Test:


Thomas D. Hall
Clerk, Supreme Court



bhp

Served:

J. BRUCE HOFFMANN
HON. JON S. WHEELER, CLERK
TIMOTHY D. OSTERHAUS
LOUIS F. HUBENER
SCOTT D. MAKAR
LYNN C. HEARN
DANIEL L. ABBOTT
JAMIE ALAN COLE
JOSEPH H. SEROTA
JOHN J. QUICK
HON. BOB INZER, CLERK
HON. CHARLES A. FRANCIS, CHIEF JUDGE
RICHARD A. SICKING