

35 So.3d 167 (Mem)  
District Court of Appeal of Florida,  
Fourth District.

TARMAC AMERICA, LLC d/b/a Tarmac, Appellant,  
v.

Renata AVILA, as Personal Representative for the  
Estate of Claudia Avila on behalf of Fernanda Avila,  
Cicero Avila and Renata Avila, survivors, Appellees.

No. 4D08-4379.

|  
May 26, 2010.

Appeal and cross-appeal from the Circuit Court for the  
Fifteenth Judicial Circuit, Palm Beach County; [John J.  
Hoy](#), Judge; L.T. Case No. 502004CA009486XXXXMB.

#### Attorneys and Law Firms

[Robert E. Biasotti](#) and [Stephanie Zimmerman](#) of Carlton  
Fields, P.A., St. Petersburg, for appellant.

[Marc A. Wites](#) of Wites & Kapetan, P.A., Lighthouse  
Point, for appellee Renata Avila.

#### Opinion

PER CURIAM.

*Affirmed.* See [Dean v. Rutherford Mulhall, P.A., 16 So.3d  
284 \(Fla. 4th DCA 2009\)](#).

[GROSS](#), C.J., [STEVENSON](#) and [CIKLIN](#), JJ., concur.

#### All Citations

35 So.3d 167 (Mem), 35 Fla. L. Weekly D1221