

**IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT, 110 SOUTH TAMARIND AVENUE, WEST PALM BEACH, FL 33401**

March 02, 2018

CASE NO.: 4D18-0149

L.T. No.: 2016CA013186 AI

JOHN TODD VANCE, et al.

v. AUBTES, LLC., et al.

Appellant / Petitioner(s)

Appellee / Respondent(s)

BY ORDER OF THE COURT:

Upon consideration of the parties' jurisdictional briefs and supplemental jurisdictional briefs, it is ORDERED that this appeal is DISMISSED for lack of jurisdiction.

The only parties that have been completely eliminated from the case below are Law Offices of Fred C. Cohen, P.A.; David B. Norris, P.A.; Brent G. Wolmer, P.A.; Peter R. Ray, P.A.; and James S. Telepman, P.A. However, no final order of dismissal has been entered as to those parties. *See generally Striton Properties, Inc. v. City of Jacksonville Beach*, 605 So. 2d 164, 165 (Fla. 1st DCA 1992) (“[T]he trial court dismissed count V of the complaint with leave to amend within 20 days. Appellant chose not to amend. Therefore, dismissal of the complaint with prejudice was appropriate.”); *Stoler v. Metro. Life Ins. Co.*, 287 So. 2d 694, 695 (Fla. 3d DCA 1974) (“The trial court dismissed the complaint without prejudice, but after plaintiff chose not to amend his complaint a final order of dismissal was entered . . .”).

Further, it appears to be undisputed that “Cohen, Norris, Wolmer, Ray, Telepman & Cohen” is a fictitious name, not a legal entity, and thus lacks capacity to sue, as the trial court found.

As no other party has been completely eliminated from the case below, this court lacks jurisdiction to review the orders appealed.

Dismissal is without prejudice to appellants to timely appeal upon the entry of a final, appealable order.

WARNER, CIKLIN and KLINGENSMITH, JJ., concur.

Served:

cc: Gary M. Dunkel

James Scott Telepman

Joshua B. Spector

Joey M. Lampert

Seth Brian Burack

Craig Matthew Oberweger

Jonathan Samuel Feldman

Jonathan M. Davidoff

Hon. Meenu Sasser

Clerk Palm Beach

ka

Lonn Weissblum

LONN WEISSBLUM, Clerk
Fourth District Court of Appeal

