

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D17-4688

MV SENIOR MANAGEMENT, LLC,

Appellant,

v.

REDUS FLORIDA HOUSING, LLC,

Appellee.

On appeal from the Circuit Court for Duval County.
Adrian G. Soud, Judge.

March 20, 2019

PER CURIAM.

Upon review of the record and Appellant's response to our order to show cause on jurisdiction, we find that the claim remaining pending below is interrelated with the claim on appeal, depriving us of jurisdiction. The order on appeal disposes of only count one of Appellee's two-count third-party complaint against Appellant. Count one seeks contractual and common-law indemnity. Count two, still pending below and stayed pending this appeal, alleges breach of contract for Appellant's failure to obtain insurance and indemnify Appellee. Both counts relate to the same underlying tort claim against Appellee, and both counts arise out of the same management agreement between the two parties to this appeal. This is a classic case of a piecemeal appeal. *See S.L.T. Warehouse Co. v. Webb*, 304 So. 2d 97, 99-100 (Fla.

1974) (holding that piecemeal review is disfavored and the lower tribunal should rule on all interrelated claims to avoid the potential need for successive appeals).

This appeal does not fall within the scope of Florida Rule of Appellate Procedure 9.110(k), allowing immediate appeals of certain partial final judgments. That rule requires that the cause of action disposed of in the order appealed not be “interdependent with other pleaded claims,” and that is not the case here. *Id.*; see also *Fla. Farm Bureau Gen. Ins. Co. v. Peacock’s Excavating Serv., Inc.*, 186 So. 3d 6, 11 (Fla. 2d DCA 2015) (dismissing appeal for lack of jurisdiction where claim still pending below involved same facts and contracts as the order appealed).

DISMISSED.

ROWE, KELSEY, and M.K. THOMAS, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

R. Daniel Noey and Wesley D. Fina of Schutt, Schmidt & Noey, Jacksonville, for Appellant.

W. Douglas Childs and Brian M. Pederson of Childs, Hester & Love, P.A., Jacksonville, for Appellee Redus Florida Housing, LLC.