

ELEVENTH JUDICIAL CIRCUIT
OF MIAMI DADE COUNTY, FLORIDA
APPELLATE DIVISION
CASE # 12- 351 AP

ERROL ALVEY, CHARLES
M. BARON, SHELLY CLAY,
and ROBERT TAYLOR,
Petitioners,

LOWER COURT CASE #2012-9

vs.

CITY OF NORTH MIAMI BEACH,
Respondent.

JACQUELINE ABDUNASSIAR
FILED FOR RECORD
2014 NOV -6 PM 1:07
CLERK, CIRCUIT & COUNTY CLERK
DADE COUNTY, FLA.
CIVIL #131
C

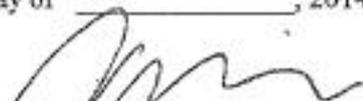
Opinion filed: 11/6/2014, 2014.

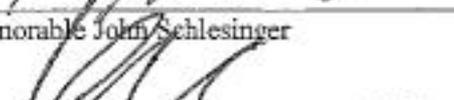
Before Judge John Schlesinger, Judge Abby Cynamon and Judge Andrea Wolfson.

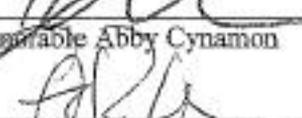
The Court, having considered and reviewed the Corrected Petitioner's Motion for Clarification of the Court's Ruling, it is hereby: **DENIED**.

1. Petitioner's Motion for Clarification reargues the merits of the case, which was already presented in the briefs and oral argument and fully considered by this panel. Utilizing a motion for clarification for purposes of reargument is improper and contrary to the intent of Rule 9.330, Fla. R. App. P. (2014). *Lawyers Title Insurance Corp. v. Reitzes*, 631 So. 2d 1100, 1101 (Fla. 4th DCA 1993); *Parker v. Baker*, 499 So. 2d 843, 847 (Fla. 2d DCA 1986). Further, allowance of more than one bite of the apple to one party would unfairly prejudice other litigants, *Ayala v. Gonzalez*, 984 So. 2d 523, 524 (Fla. 5th DCA 2008).
2. The court reserves ruling on both the Intervenor's and Respondent's joint plea for reasonable attorneys' fees and costs incurred in opposing Petitioner's Motion for Clarification.

It is so ordered this _____ day of _____, 2014.


Honorable John Schlesinger


Honorable Abby Cynamon


Honorable Andrea Wolfson

COPIES FURNISHED TO COUNSEL
OF RECORD AND TO ANY PARTY
NOT REPRESENTED BY COUNSEL

RECEIVED
2014 NOV 10 PM 1:39
CITY ATTORNEY'S OFFICE
CITY OF NORTH MIAMI BEACH