

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING  
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

BARKER, RODEMS & COOK, P.A.,  
a Florida corporation; and WILLIAM J.  
COOK,

Petitioners,

v.

NEIL J. GILLESPIE,

Respondent.

**COPY**

**FYI Only**

Case No. 2D07-4530

**No Action  
Necessary**

Opinion filed February 8, 2008.

Petition for Writ of Certiorari to the Circuit  
Court for Hillsborough County; James M.  
Barton, II, Judge.

Ryan Christopher Rodems of Barker,  
Rodems & Cook, P.A., Tampa, for  
Petitioners.

Robert W. Bauer, Gainesville, for  
Respondent.

PER CURIAM.

Denied. See Fla. R. Civ. P. 1.420(a)(2); Rogers v. Publix Super Markets, Inc., 575 So. 2d 214, 215-16 (Fla. 5th DCA 1991) (holding that when counterclaim is pending, plaintiff cannot unilaterally dismiss complaint without order of court).

WALLACE and LaROSE, JJ., and THREADGILL, EDWARD F., SENIOR JUDGE,  
Concur.