

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JANUARY TERM, A.D. 2009
JULY 10, 2009

GORDON BEYER AND
MOLLY BEYER,
Appellant(s)/Petitioner(s),

CASE NO.: 3D08-2864

vs.

CITY OF MARATHON AND
THE STATE OF FLORIDA,
Appellee(s)/Respondent(s).

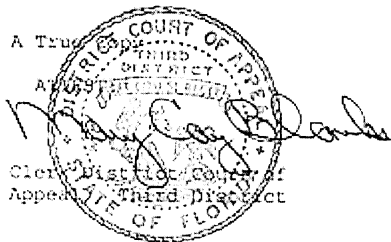
LOWER

TRIBUNAL NO. 05-313

Upon consideration, appellants' motion to consolidate Beyer v. Marathon and McCole v. Marathon for the purpose of ruling on appellants' motions to correct the record by striking non-record documents from the records on appeal is hereby denied.

The motion to correct the record is carried with the case. The parties shall be prepared to address at oral argument the issues presented, in particular, whether the depositions at issue were considered by the trial court in arriving at the final summary judgment which is the subject of this appeal.

WELLS, SHEPHERD and SUAREZ, JJ., concur.



cc:
Andrew M. Tobin
James S. Mattson
Adam M. Schachter
Jonathan A. Glogau
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