

IN THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT, STATE OF FLORIDA

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

SAMUEL CLARK BUTLER,

Appellant,

GABE KAIMOWITZ,

Cross Appellant-Proposed  
Intervenor,

v.

CASE NO. 1D07-3366

THE NEW YORK TIMES  
C O M P A N Y , N Y T  
MANAGEMENT SERVICES,  
INC., d/b/a THE GAINESVILLE  
SUN, JANINE YOUNG SIKES,  
and CINDY SWIRKO,

Appellees.

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Opinion filed October 24, 2007.

An appeal from the Circuit Court for Alachua County.  
Toby Monaco, Judge.

Manuel Socias of Gary, Williams, Parenti, Finney, Lewis, McManus, Watson & Sperando, P. I., Orlando; Willie Gary, Maria Sperando, Tricia Hoffler, and Debra Nolan, of Gary, Williams, Parenti, Finney, Lewis, McManus, Watson & Sperando, P. L., Stuart, for Appellant Samuel Clark Butler. Gabe Kaimowitz, pro se, Cross Appellant-Proposed Intervenor.

Larry G. Turner of Turner and Jones, Gainesville; Gregg D. Thomas, James J. McGuire and Rachel Fugate of Thomas and Locicero, PL, Tampa, for Appellees.

PER CURIAM.

Upon consideration of the appellee's Motion to Dismiss Cross-Appellant/Proposed Intervenor's Appeal, as well as the cross-appellant's response thereto, the Court has determined that the cross-appeal should be dismissed. The appellant's cross-appeal is an untimely attempt to invoke the Court's jurisdiction to review the lower tribunal's October 24, 2005, Order Striking Motion for Intervention. Accordingly, the motion is granted and the cross-appeal is hereby dismissed.

KAHN, PADOVANO, and HAWKES, JJ., CONCUR.