

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2005

FRANK K. SANDERS and **DORIS SANDERS**, his wife,
Appellants,

v.

UNION CARBIDE CORPORATION,
Appellee.

No. 4D04-2768

[September 28, 2005]

PER CURIAM.

The issue of the timeliness of Union Carbide's motion to dismiss for forum non conveniens in the instant case is identical to that in *Fox v. Union Carbide Corp.*, No. 4D04-2769 (Fla. 4th DCA Sep. 21, 2005). We therefore reverse and remand for further proceedings consistent with this opinion.

STEVENSON, C.J., POLEN and SHAHOOD, JJ., concur.

* * *

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Timothy P. McCarthy, Judge; L.T. Case No. 03-8371 AD, 502003CA008371XXASAD.

James L. Ferraro and David A. Jagolinzer of Ferraro & Associates, P.A., Miami, for appellants.

Evelyn M. Fletcher and Nathan M. Thompson of Hawkins & Parnell, LLP, Atlanta, Georgia, for appellee.

Not final until disposition of timely filed motion for rehearing.