

District Court of Appeal of Florida,
Third District.
Raul J. Sanchez DE VARONA, an individual,
Petitioner,
v.
Carlos DE SOUZA, Respondent.
No. 3D02-1845.

Aug. 21, 2002.

A Writ of Certiorari to the Circuit Court for Miami-Dade County, Eleanor Schockett, Judge. Hinshaw & Culbertson and Gina E. Caruso (Ft. Lauderdale), for petitioner.

Gary W. Pollack, Coral Gables, for respondent.

Before SCHWARTZ, C.J., GERSTEN and SHEVIN, JJ.

PER CURIAM.

We grant the petition for writ of certiorari in part. As the respondent's counsel commendably concedes, the trial court erred in denying petitioner's motion to abate the legal malpractice claim. Perez-Abreu, Zamora & De La Fe, P.A. v. Taracido, 790 So.2d 1051 (Fla.2001). That portion of the order declining to abate count III of respondent's complaint is hereby quashed and shall be abated on remand. This same reasoning, however, does not compel abatement of the fraudulent inducement claim asserted in count IV. The petition is denied as to count IV.

Certiorari granted in part; denied in part and remanded.