

**IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY, FLORIDA  
APPELLATE DIVISION**

**JOHN EARL GRUBBS, JR.  
and LAURA MONTAGUE,  
Appellants,**

**Case No.: 15-000008AP-88A  
UCN: 522015AP000008XXXXCI**

**v.**

**PROGRESSIVE AMERICA  
INSURANCE COMPANY, as  
Subrogee for Hubert E. Lanham,  
Appellee.**

**ORDER DISMISSING APPEAL**

**THIS MATTER** came before the Court sua sponte on its own motion. After consideration of the record and applicable law, this Court finds as follows:

**Timeline:**

04/28/2014	Trial court entered a "Default Final Judgment for John E. Grubbs Only."
12/10/2014	Mr. Grubbs filed a Motion for Relief from Judgment.
12/15/2014	Trial court entered the "Order Denying New Hearing" on Mr. Grubb's Motion for Relief from Judgment.
12/24/2014	Mr. Grubbs filed a Motion for Reconsideration/Rehearing.
01/09/2015	Trial court entered the "Order Denying Reconsideration/Rehearing."
01/20/2015	Notice of Appeal filed by Mr. Grubbs.

Appellant, John Earl Grubbs, Jr.'s, Motion for Relief from Judgment was filed with the trial court pursuant to Florida Rule of Civil Procedure 1.540(b). The order denying the motion was entered and docketed by the Clerk of Court on December 15, 2014. Mr. Grubbs sought rehearing or reconsideration of the denial of the motion; however, motions for reconsideration or rehearing are not authorized from a Motion for Relief from Judgment and do not toll the time for filing a notice of appeal. See Fla. R. App. P. 9.130(a)(5).

In the present case, in order to be timely, the Notice of Appeal was required to be on or before January 14, 2015. See Fla. R. App. P. 9.130(b). The Notice of Appeal filed on January 20, 2015, is untimely and this Court has no jurisdiction to consider the appeal. The appeal is dismissed.

Accordingly, it is

**ORDERED AND ADJUDGED** that case number 15-000008AP-88A is hereby  
**DISMISSED.**

**DONE AND ORDERED** in Chambers, in Clearwater, Pinellas County, Florida,  
this 5<sup>th</sup> day of ~~January~~ <sup>February</sup>, 2015.

Original Order entered on February 5, 2015, by Circuit Judges Linda R. Allan,  
Keith Meyer, and Jack R. St. Arnold.

Copies furnished to:

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