

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

MICHAEL R. WILSON, as Personal)
Representative of the Estate of)
BRENDA L. GWIN, deceased,)
)
Appellant,)
)
v.)
)
PINNACLE HEALTH FACILITIES,)
XXIII, LP,)
)
Appellee.)
_____)

Case No. 2D17-5133

Opinion filed October 12, 2018.

Appeal from the Circuit Court for Sarasota
County; Andrea McHugh, Judge.

Tracy Raffles Gunn of Gunn Appellate
Practice, P.A., Tampa, for Appellant.

Donna J. Fudge and Caitlin E. Kramer of
Fudge Broadwater, P.A., St. Petersburg,
for Appellee.

PER CURIAM.

Michael R. Wilson, as Personal Representative of the Estate of Brenda L.
Gwin, appeals an order that stayed the Estate's wrongful death lawsuit against Pinnacle
Health Facilities, XXIII, LP (Pinnacle), and that compelled arbitration of their dispute.
On appeal, the Estate argues that because Pinnacle neglected to demonstrate that Mr.

Wilson possessed the apparent authority to bind Ms. Gwin to Pinnacle's arbitration agreement, the trial court erred by compelling arbitration. After careful review, we agree and reverse the trial court's order staying the Estate's lawsuit and referring the case to arbitration. See Stalley v. Transitional Hosps. Corp. of Tampa, 44 So. 3d 627, 633 (Fla. 2d DCA 2010) (reversing the trial court's order compelling arbitration because the record failed to demonstrate that the signatory of an arbitration agreement possessed the apparent authority to sign that arbitration agreement on behalf of the principal).

Reversed and remanded for further proceedings in accordance with this opinion.

KHOUZAM, SALARIO, and BADALAMENTI, JJ., Concur.