

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT

**MARK LAMET, M.D., P.A.,**  
Appellant/Cross-Appellee,

v.

**FEINERMAN ANESTHESIA, P.A.,**  
Appellee/Cross-Appellant.

No. 4D2025-1818

[July 29, 2026]

Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; William W. Haury, Jr., Judge; L.T. Case No. 062023CA014127AXXXCE.

Lawrence R. Metsch of Metschlaw, P.A., Hollywood, for appellant/cross-appellee.

Dinah S. Stein of Hicks, Porter, & Stein, P.A., Miami, and M. Katherine Hunter of Chimpoulis & Hunter, P.A., Plantation, for appellee/cross-appellant.

LOTT, J.

Appellant sued Cross-Appellant for common law indemnification. The trial court dismissed the claim without prejudice.

We do not pass on the trial court's ruling; instead, we accept Cross-Appellant's alternative argument that the allegations in Appellant's complaint wholly fail to, and cannot, state a claim for common law indemnification. *See Zeiger Crane Rentals, Inc. v. Double A Indus., Inc.*, 16 So. 3d 907, 911 (Fla. 4th DCA 2009) ("In order for a common law indemnity claim to stand, a two-pronged test must be satisfied: (1) the indemnitee must be faultless and (2) the indemnitee's liability must be solely vicarious for the wrongdoing of another." (citations omitted)).

Appellant does not address this argument at all in briefing.

Accordingly, we accept Cross-Appellant's argument and remand with instructions to dismiss the claim for common law indemnity with

prejudice.

We affirm without discussion as to all other matters raised in Appellant's appeal.

*Vacated and remanded.*

SHEPHERD, J., and COATES, JR., HOWARD K., Associate Judge, concur.

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***Not final until disposition of timely-filed motion for rehearing.***