

FIFTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA

Case No. 5D23-2302
LT Case No. 2022-CC-006451-A

RUBEN SANTOS CASADO,

Appellant,

v.

JOSEPH R. DOHER, TIMOTHY ST.
GORDON AND JOSEPH CORBIN
MCGINLEY,

Appellees.

On appeal from the County Court for Lake County.
Carla R. Pepperman, Judge.

Ruben Santos Casado, Clermont, pro se.

Tyler E. Mesmer, of Topouzis & Associates, P.C., Miami,
for Appellees.

April 5, 2024

LAMBERT, J.

Ruben Santos Casado appeals the trial court's unelaborated order that denied his Florida Rule of Civil Procedure 1.540(b) motion to vacate the final judgment entered in favor of Appellees and also denied his separate post-judgment motion to impose certain sanctions against Appellees. We affirm.

Casado's rule 1.540(b) motion asserted that the trial court committed "judicial error" in entering a judgment dismissing his complaint for failing to comply with a condition precedent to the filing of his subject breach of contract action. Casado's appeal lacks merit because judicial error in a trial court's ruling does not provide a basis for relief under this rule. *See Curbelo v. Ullman*, 571 So. 2d 443, 445 (Fla. 1990) (holding that "[m]istakes which result from oversight, neglect or accident are subject to correction under rule 1.540(b)(1)" but "judicial error . . . is not one of the circumstances contemplated by the rule" (citations omitted)). Stated slightly differently, rule 1.540(b) is not a substitute for appellate review of judicial error. *Bortz v. Bortz*, 675 So. 2d 622, 624 (Fla. 1st DCA 1996) (citation omitted).

As to the appealed order's denial of Casado's motion to impose sanctions, our standard of review is abuse of discretion. *See Boca Burger, Inc. v. Forum*, 912 So. 2d 561, 573 (Fla. 2005) ("A lower court's decision to impose sanctions is reviewed under an abuse of discretion standard." (citation omitted)). We conclude, without further elaboration, that no abuse of discretion by the trial court has been shown on this record.

AFFIRMED.

EISNAUGLE and PRATT, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.
