

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

CECIL ROLLE,

Appellant,

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

v.

CASE NO. 1D12-2112

COLD STONE CREAMERY, INC.,
the KAHALA CORP., the NIACCF,
INC., ROBERT ZARCO, ESQ., ZARCO
EINHORN SALKOWSKI & BRITO,
P.A., DANIEL BEEM, RODOLFO
PUIG, FRANK CAPERINO, and
EDWARD REESMAN,

Appellees.

Opinion filed November 28, 2012.

An appeal from the Circuit Court for Alachua County.
Stanley H. Griffis, III, Judge.

Jonathan P. Stevens, Gainesville, for Appellant.

Caryn L. Bellus and Bretton C. Albrecht of Kubicki Draper, Miami, for Appellees Cold Stone Creamery, Inc., The Kahala Corp., and Daniel Beem; Robert M. Einhorn and Leon F. Hirzel of Zarco Einhorn Salkowski & Brito, P.A., Miami, for Appellees Robert Zarco, Zarco Einhorn Salkowski & Brito, P.A., Rodolfo Puig, Frank Caperino, and Edward Reesman.

No appearance for Appellee NIACCF, Inc.

PER CURIAM.

The Appellant, Cecil Rolle, challenges the trial court's order transferring venue from Alachua County to Miami-Dade County. We affirm.

The Appellees filed a motion to transfer venue, with an affidavit attached, that showed appellant's choice of venue in Alachua County to have been incorrect. Appellant filed an affidavit that failed to meet his burden of showing that venue was properly in Alachua County. See Tropicana Products, Inc. v. Shirley, 501 So. 2d 1373, 1375 (Fla. 2d DCA 1987). While the affidavit states that the affiant read the article at issue on the Internet in Alachua County (along with the allegedly defamatory letter of legal counsel dated December 23, 2010), it fails to specify when this was done; the absence of any timeframe in the affidavit makes it ineffective as a basis for establishing venue in Alachua County.

AFFIRMED.

PADOVANO, RAY, and MAKAR, JJ., CONCUR.