

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT

**SANDRA PINNOCK and GINA OLLIVIER,**  
Appellants,

v.

**BANK OF NEW YORK MELLON,**  
Appellee.

No. 4D15-4257

[December 21, 2016]

Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Cynthia G. Imperato, Judge; L.T. Case No. CACE 10007284.

Faequa A. Khan of Law Offices of Daryl L. Jones, P.A., Miami, for appellants.

Roy A. Diaz of SHD Legal Group, P.A., Fort Lauderdale, for appellee.

PER CURIAM.

*Affirmed.* The trial court did not abuse its discretion in allowing a witness to testify who was disclosed after the deadline set in the pre-trial order. *See Binger v. King Pest Control*, 401 So. 2d 1310 (Fla. 1981). The use of the late disclosed witness (the loan servicer) did not “substantially endanger the fairness of the proceeding,” particularly because her testimony was largely cumulative of the testimony from the witness for the current loan servicer. *Id.* at 1314. We also conclude that the appellee proved standing through the testimony of the loan servicer and the documents introduced, including the pooling service agreement. *See Bolous v. U.S. Bank Nat’l Ass’n*, No. 4D15-2608 (Fla. 4th DCA Nov. 2, 2016).

WARNER, GROSS and FORST, JJ., concur.

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