

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

AMY B. SCHWARTZ and **JAY F. SCHWARTZ**,
Appellants,

v.

BANK OF AMERICA, N.A., Successor by Merger to **BAC HOME LOANS
SERVICING LP** f/k/a **COUNTRYWIDE HOME
LOANS SERVICING, LP,1**,
Appellee.

No. 4D19-3942

[March 4, 2020]

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Scott R. Kerner, Judge; L.T. Case No. 502012CA01369XXXXMB.

Bruce Jacobs of Jacobs Legal, PLLC, Miami, for appellants.

No response filed for appellee.

PER CURIAM.

We redesignate this proceeding as an appeal from the order denying the motion to vacate the final foreclosure judgment in this 2012 case. Fla. R. App. P. 9.130(a)(5). The petition for writ of certiorari is treated as the initial brief, and the trial court's order is summarily affirmed. Fla. R. App. P. 9.315(a).

Appellants defaulted on their home loan in January 2010. The foreclosure suit was filed in 2012 and litigated until a final foreclosure judgment was entered in October 2017. This Court affirmed the foreclosure judgment. See *Schwartz v. Bank of Am., N.A.*, 267 So. 3d 414 (Fla. 4th DCA 2019).

The motion to vacate now on appeal attempts to relitigate issues concerning standing that this Court rejected on direct appeal. The law of the case doctrine precludes relitigation of these issues. *Fla. Dept. of Transp. v. Juliano*, 801 So. 2d 101, 105 (Fla. 2001) ("The doctrine of the law of the case requires that questions of law actually decided on appeal

must govern the case in the same court and the trial court, through all subsequent stages of the proceedings.”).

Appellants’ allegations of fraud were rejected on direct appeal, and the trial court did not err in denying post-judgment discovery as this Court has already concluded that the trial court did not abuse its discretion in concluding that “appellants had not diligently conducted discovery.” *Schwartz*, 267 So. 3d at 414.

Summarily affirmed.

MAY, DAMOORGIAN and KUNTZ, JJ., concur.

* * *

Not final until disposition of timely filed motion for rehearing.