

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

PSHS ALPHA PARTNERS, LTD d/b/a
LAKE WORTH SURGICAL CENTER a/a/o **CATHERINE CHISEM,**
Appellant,

v.

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY,
Appellee.

No. 4D21-2057

[December 14, 2022]

Appeal from the County Court for the Fifteenth Judicial Circuit, Palm Beach County; Edward A. Garrison, Judge; L.T. Case No. 50-2021-SC-000648-XXXX-MB.

Daniel Melrose, Christina M. Kalin, and John C. Daly of Daly & Barber, P.A., Plantation, for appellant.

Nancy W. Gregoire Stamper of Birnbaum, Lippman & Gregoire, PLLC, Fort Lauderdale, and Michael S. Walsh of Kubicki Draper, Fort Lauderdale, for appellee.

PER CURIAM.

Affirmed. See *Kitchen Design Cabinets, Inc. v. Bentley*, 320 So. 3d 1013, 1013-14 (Fla. 1st DCA 2021) (“[T]he determination of whether particular conduct constitutes excusable neglect . . . is a factual one, to be decided by the trial judge.” (alterations in original) (citation omitted)); *DND Mail Corp. v. Andgen Props., LLC*, 28 So. 3d 111, 113 (Fla. 4th DCA 2010) (“An order granting a motion to vacate a default final judgment is reviewed under a ‘gross abuse of discretion’ standard.” (citation omitted)); *Shurgard Storage Ctrs., Inc. v. Parker*, 755 So. 2d 695, 696 (Fla. 4th DCA 1999) (“[W]here inaction results from clerical or secretarial error, reasonable misunderstanding, a system gone awry or any other of the foibles to which human nature is heir, then upon timely application accompanied by a reasonable and credible explanation the matter should be permitted to be heard on the merits.” (citation omitted)).

Affirmed.

CIKLIN, LEVINE and KUNTZ, JJ., concur.

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Not final until disposition of timely filed motion for rehearing.