

Third District Court of Appeal

State of Florida

Opinion filed November 4, 2016.
Not final until disposition of timely filed motion for rehearing.

No. 3D16-2446
Lower Tribunal No. 16-23430

Roberto Martell,
Appellant,

vs.

Ana Stefano, etc., et al.,
Appellees.

An Appeal from the Circuit Court for Miami-Dade County, William Thomas, Judge.

Reiner & Reiner, Monica Tirado and David P. Reiner, II, for appellant.

Abigail Price-Williams, Miami-Dade County Attorney, and Oren Rosenthal and Michael B. Valdes, Assistant County Attorneys; Weiss Serota Helfman Cole & Bierman, John J. Quick and Eric P. Hockman; Carlos A. Ziegenhirt, for appellees.

Before SUAREZ, C.J., and EMAS and FERNANDEZ, JJ.

PER CURIAM.

Roberto Martell appeals from the trial court's order denying his motion for injunctive relief. Martell's request for injunctive relief was set forth in one count of a two-count complaint which was filed on September 11, 2016. The second count of that complaint sought declaratory relief, alleging that Ana Stefano was not eligible to run as a candidate for the office of mayor of the Town of Medley because she did not meet the residency requirement set forth in the Medley Town Charter.¹ Article VII, Section 6 of that Charter provides in pertinent part: "Any qualified elector of the Town who has resided in the Town for a minimum of one year preceding the first day of the qualifying period may run for Mayor."

Martell's request for injunctive relief sought to enjoin the City Clerk and County Supervisor of Elections from placing Stefano's name on the November 8, 2016 ballot, or, in the event Stefano's name was already on the ballot,² to enjoin the City Clerk and Supervisor of Elections from counting any votes cast for Stefano in the November 8 election.

On September 27, 2016, the trial court held an evidentiary hearing on Martell's motion for injunctive relief. At the hearing, the parties presented the testimony of several witnesses and introduced numerous exhibits in support of

¹ The complaint also named Herlina Taboada and Christina White as defendants, in their respective representative capacities as City Clerk for the Town of Medley and Supervisor of Elections for Miami-Dade County.

² Stefano's name is on the official November 8 ballot as a candidate for Mayor of the Town of Medley.

their respective positions. After considering the exhibits and weighing the testimony of the witnesses, the trial court rendered an order denying Martell's motion for injunctive relief.³

Upon our review of the record in this case, we find no abuse of discretion in the trial court's order denying Martell's motion for injunctive relief. We do not reach, or express any opinion on, Martell's count for declaratory relief, which remains pending in the trial court.

This opinion shall take effect immediately, notwithstanding the filing or disposition of any motion for rehearing.

Affirmed.

³ Although the evidentiary hearing was held on September 27, the trial court failed to render its order until October 28, 2016. Martell filed his notice of appeal on October 31 and, at appellant's request, this court granted expedited review. Upon this court's order, all briefs were filed by November 3. We acknowledge with appreciation the diligence of all counsel in complying with the exceptionally abbreviated briefing schedule required by these circumstances.