

Third District Court of Appeal

State of Florida

Opinion filed July 31, 2019.
Not final until disposition of timely filed motion for rehearing.

No. 3D18-173
Lower Tribunal No. 16-22660

Alba M. Orrego,
Appellant,

vs.

Citibank, N.A., etc.,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Jacqueline Hogan Scola, Judge.

The Law Office of Ray Garcia, P.A., Ray Garcia and Nataline Garcia, for appellant.

Akerman, LLP, Nancy M. Wallace (Tallahassee), William P. Heller (Ft. Lauderdale) and Eric M. Levine (West Palm Beach), for appellee.

Before EMAS, C.J., and LOGUE, and GORDO, JJ.

PER CURIAM.

Affirmed. See Congress Park Office Condos II, LLC v. First-Citizens Bank & Trust Co., 105 So. 3d 602, 608 (Fla. 4th DCA 2013) (“A trial court does not abuse

its discretion in granting a motion for summary judgment, despite the pendency of discovery, where the non-moving party has failed to act diligently in taking advantage of discovery opportunities.”); Harper v. Wal-Mart Stores East, L.P., 134 So. 3d 557, 558 (Fla. 5th DCA 2014) (“[A]fter a motion for summary judgment is filed and scheduled, the non-moving party cannot thwart the summary judgment hearing by initiating discovery.”); Leviton v. Philly Steak-Out, Inc., 533 So. 2d 905, 906 (Fla. 3d DCA 1988) (“[T]he defendants did not request a continuance of the summary judgment hearing so that they could complete their discovery and cannot now be heard to complain that they were not given a reasonable time to complete same.”).