

# Third District Court of Appeal

## State of Florida

Opinion filed January 16, 2019.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D18-687  
Lower Tribunal No. 16-15873

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**Johnathan Proenza,**  
Appellant,

vs.

**SunTrust Banks, N.A.,**  
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Antonio Arzola, Judge.

Law Offices of Joseph R. Dawson, P.A., and Joseph R. Dawson (Ft. Lauderdale), for appellant.

Klein Glasser Park & Lowe, P.L., and Gregory Glasser, Joseph H. Lowe, and Andrew M. Feldman, for appellee.

Before LINDSEY, J., and LAGOA and LUCK, Associate Judges.

PER CURIAM.

Affirmed. See B. C. Builders Supply Co. v. Maldonado, 405 So. 2d 1345 (Fla. 3d DCA 1981) (There exists a long standing policy of liberality toward vacating of defaults and that a showing of gross abuse of a trial court's discretion is necessary on appeal to justify reversal of the lower court's ruling on a motion to vacate a default.); M.W. v. SPCP Group V, LLC, 163 So. 3d 518 (Fla. 3d DCA 2015) (“Indeed, the Florida Supreme Court has emphasized that if there is any reasonable doubt in the matter [of vacating a default], it should be resolved in favor of granting the application and allowing a trial upon the merits of the case.”) (citing N. Shore Hosp., Inc. v. Barber, 143 So. 2d 849, 852 (Fla. 1962) (reversing a district court's holding that a mere abuse of the trial judge's discretion is a sufficient basis for reversal of his ruling on the motion to vacate)); Carter, Hawley, Hale Stores, Inc. v. Whitman, 516 So. 2d 83 (Fla. 3d DCA 1097) (reversing trial court's order denying appellant corporation's motion to vacate a default, because appellant's delay in answering appellee retailer's complaint constituted excusable neglect, and appellant acted with due diligence after discovering the default.)