

Third District Court of Appeal

State of Florida

Opinion filed September 18, 2019.
Not final until disposition of timely filed motion for rehearing.

No. 3D18-1049
Lower Tribunal No. 16-25965

Meir Strahlberg, etc.,
Appellant,

vs.

Kristian Covino, etc., et al.,
Appellees.

An Appeal from the Circuit Court for Miami-Dade County, Bronwyn C. Miller, Judge.

The Orlofsky Law Firm, P.L., and Alexander S. Orlofsky, for appellant.

Agentis, PLLC, and Jason A. Martorella and Robert P. Charbonneau, for appellee Edgefield Holdings, LLC.

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

PER CURIAM.

Affirmed. See Garcia v. Christiana Trust, 230 So. 3d 66, 69 (Fla. 3d DCA 2017) (holding: “Florida Rule of Civil Procedure 1.540(b)(5) requires the moving party to allege new circumstances affecting the decision made by the trial judge. In addition, the movant must establish that these new circumstances make it no longer equitable for the trial court to enforce its earlier decision. At its core, there must be some new post-judgment fact or occurrence that requires the trial court, in equity, to recede from its prior order or judgment.”) See also Deutsche Bank Nat. Trust Co. v. Del Busto, 254 So. 3d 1050, 1052 (Fla. 3d DCA 2018) (observing: “This Court generally reviews a trial court's ruling on a rule 1.540(b) motion for relief from judgment for abuse of discretion”); Barco Holdings, LLC v. Terminal Inv. Corp., 967 So. 2d 281, 295 (Fla. 3d DCA 2007) (noting: “Our standard of review of an order ruling on a motion for relief from judgment filed under Florida Rule of Civil Procedure 1.540(b) is whether there has been an abuse of the trial court's discretion”); LPP Mortg., Ltd. v. Bank of America, N.A., 826 So. 2d 462, 463–64 (Fla. 3d DCA 2002) (holding that a “trial court's ruling [on a motion for Rule 1.540 relief] should not be disturbed on appeal absent a gross abuse of discretion”) (citing Schwab & Co. v. Breezy Bay, Inc., 360 So. 2d 117, 118 (Fla. 3d DCA 1978) for the proposition that “[t]he discretion reposed in the trial judge by Fla. R. Civ. P. 1.540 is of the broadest scope and in order to reverse a judge's ruling thereunder, there must be a showing of a gross abuse of discretion”).