

# Third District Court of Appeal

## State of Florida

Opinion filed October 23, 2019.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D18-2123  
Lower Tribunal No. 14-13645

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**Loretta Small,**  
Appellant,

vs.

**Board of Commissioners, Miami-Dade County Commission,**  
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Barbara Areces,  
Judge.

Garcia Law Firm, P.A., and Isidro M. Garcia (West Palm Beach), for  
appellant.

Abigail Price-Williams, Miami-Dade County Attorney, and Marlon D.  
Moffett, Assistant County Attorney, for appellee.

Before EMAS, C.J., and SALTER and SCALES, JJ.

PER CURIAM.

Appellant Loretta Small appeals the trial court's September 17, 2018 order denying her motion for a new trial. After a trial in which the jury returned a verdict in favor of appellee Miami-Dade County, Small's counsel discovered that the jury foreperson had not given candid answers during *voir dire* about the juror's litigation history. We conclude that the trial court did not abuse its discretion in denying Small's new trial motion because the juror's litigation history was immaterial to, and remote in time from, the jury service in Small's case. Penalver v. Masomere, 178 So. 3d 533, 536 (Fla. 3d DCA 2015) (quashing an order for post-trial juror interviews because the undisclosed, prior litigation experience was not material to the case and too remote in time from the jury service).