

Third District Court of Appeal

State of Florida

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

No. 3D18-2366
Lower Tribunal Nos. 13-08, 13-107, 13-287, 13-404 & 14-176

Mona Kamal AbouElSeoud,
Petitioner,

vs.

AIM Recovery Services, Inc.,
Respondent.

On Petition for Writ of Certiorari from the Circuit Court for Miami-Dade County, Appellate Division, Jacqueline Hogan Scola, Beatrice Butchko, and Jason Dimitris, Judges.

Mona Kamal AbouElSeoud, in proper person.

Stok Kon + Braverman and Robert A. Stok and Yosef Kudan (Fort Lauderdale), for respondent.

Before SALTER, SCALES and LOBREE, JJ.

SALTER, J.

The petitioner, Ms. AbouElSeoud, was the defendant and, ultimately, the judgment debtor, in a county court civil case brought by the respondent here, AIM Recovery Services, Inc. (“AIM Recovery”). She initiated pro se appeals from five adverse rulings and judgments in the county court case to the circuit court appellate division, which consolidated the five appeals. Though the appeals were commenced in 2013 and 2014, Ms. AbouElSeoud repeatedly filed briefs and purported record materials which failed to comply, substantially or otherwise, with the Florida Rules of Appellate Procedure.

In 2018, in addressing AIM Recovery’s motion to strike the amended initial brief and to dismiss the appeal, the circuit court appellate division gave Ms. AbouElSeoud a final opportunity to file a conforming (and second amended) initial brief, failing which the consolidated appeals would be dismissed. In October 2018, the circuit court appellate division granted AIM Recovery’s motion to strike and to dismiss the five consolidated appeals. Ms. AbouElSeoud then filed a notice of appeal to this court.

This court lacks jurisdiction to hear further direct appeals from circuit court appellate division dispositions of county court judgments and final orders of the kind involved here. Florida Rule of Appellate Procedure 9.030(b)(1). Pursuant to Rule 9.030(b)(2)(B), however, we do have so-called second-tier certiorari jurisdiction to review “final orders of circuit courts acting in their review capacity.”

In order to provide a “complete determination of the cause” in this case (Florida Rule of Appellate Procedure 9.040(a)), we treat Ms. AbouElSeoud’s notice of appeal and briefs as a petition for second-tier certiorari. Our inquiry in such a case is whether the circuit court “afforded procedural due process and whether the circuit court applied the correct law, or, as otherwise stated, departed from the essential requirements of law.” Custer Med. Ctr. v. United Auto. Ins. Co., 62 So. 3d 1086, 1092 (Fla. 2010); Florida Wellness & Rehab. Ctr., Inc. v. Mark J. Feldman, P.A., 276 So. 3d 884, 887-88 (Fla. 3d DCA 2019).

As Ms. AbouElSeoud has failed to show that (1) procedural due process was not afforded by the circuit court appellate division, and (2) the court departed from the essential requirements of law, we conclude that we lack jurisdiction to grant relief.

Petition for further review dismissed as to each of the five consolidated cases below.