

Third District Court of Appeal

State of Florida

Opinion filed December 26, 2019.
Not final until disposition of timely filed motion for rehearing.

No. 3D19-536
Lower Tribunal No. 13-12083

Inversiones 01590, C.A., et al.,
Appellants,

vs.

All Factoring de Venezuela, C.A.,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Pedro P. Echarte, Jr., Judge.

Alexander F. Fox, P.A., and Alexander F. Fox, for appellants.

Sequor Law, P.A., and Edward H. Davis, Jr., Nyana A. Miller, and Christopher A. Noel, for appellee.

Before EMAS, C.J., and HENDON and LOBREE, JJ.

PER CURIAM.

Affirmed. See Fla. R. Civ. P. 1.140(h) (providing that a party waives all defenses that are not presented either by motion or in a responsive pleading); Fla. R. Civ. P. 1.10(d) (listing “illegality” and “fraud” as enumerated defenses that a party is required to set forth affirmatively in a responsive pleading); Heartwood 2, LLC v. Dori, 208 So. 3d 817 (Fla. 3d DCA 2017). See also PNC Bank, N.A. v. Smith, 225 So. 3d 294, 296 (Fla. 5th DCA 2017) (noting that “ the conduct constituting the ‘unclean hands’ must be connected with the matter in litigation and must affect the adverse party”) (quoting Pennington v. Pennington, 390 So. 2d 809, 810 (Fla. 5th DCA 1980)); Tribeca Lending Corp. v. Real Estate Depot, Inc., 42 So. 3d 258, 262 (Fla. 4th DCA 2010) (noting that “a party asserting unclean hands ‘must prove that he was injured in order for the unclean hands doctrine to apply’”) (quoting McCollem v. Chidnese, 832 So. 2d 194, 196 (Fla. 4th DCA 2002)).