

Third District Court of Appeal

State of Florida

Opinion filed June 24, 2020.
Not final until disposition of timely filed motion for rehearing.

No. 3D19-1492
Lower Tribunal No. 09-87096

Ryan Atkin, et al.,
Appellants,

vs.

Bank of New York Mellon, et al.,
Appellees.

An Appeal from the Circuit Court for Miami-Dade County, Michael A. Hanzman, Judge.

Jacobs Legal, PLLC, and Bruce Jacobs, for appellants.

Bradley Arant Boult Cummings LLP, and Lauren G. Raines, Tara M. Petzoldt and Cheryl J. Lister (Tampa); Liebler, Gonzalez & Portuondo, and Elizabeth A. Henriques, for appellees.

Before SCALES, MILLER and GORDO, JJ.

PER CURIAM.

Affirmed. See Pino v. Bank of N.Y., 121 So. 3d 23, 26 (Fla. 2013) (“[W]hen a defendant alleges fraud on the court as a basis for seeking to set aside a plaintiff’s voluntary dismissal, the trial court has jurisdiction to reinstate the dismissed action only when the fraud, if proven, resulted in the plaintiff securing affirmative relief to the detriment of the defendant and, upon obtaining that relief, voluntarily dismissing the case to prevent the trial court from undoing the improperly obtained relief.”); U.S. Bank Nat’l Ass’n v. Rivera, 193 So. 3d 954, 956-57 (Fla. 3d DCA 2016) (“[A] rule 1.420(a)(1) voluntary dismissal is jurisdictional and serves to terminate the litigation, instantaneously divesting the lower court of jurisdiction to entertain further motions or to enter further orders that would otherwise either dispose of the case on the merits or revive the original action. . . . [T]rial courts currently enjoy no inherent authority to disregard voluntary dismissals.”).