

Third District Court of Appeal

State of Florida

Opinion filed October 6, 2021.

Not final until disposition of timely filed motion for rehearing.

No. 3D21-385
Lower Tribunal No. 10-23029

Sandra Sadlak,
Appellant,

vs.

The Shores Community Association, Inc.,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Mark Blumstein, Judge.

Kenzie N. Sadlak, PA, and Kenzie N. Sadlak, for appellant.

Douglas H. Stein, P.A., and Douglas H. Stein, for appellee.

Before FERNANDEZ, C.J., and LOGUE and BOKOR, JJ.

LOGUE, J.

In a prior case, we upheld a foreclosure judgment for The Shores Community Association, Inc., and against Sandra Sadlak based on Sadlak's failure to pay condominium assessment fees. Sadlak v. Shores Cmty. Ass'n, 302 So. 3d 856 (Fla. 3d DCA 2020) (table). In that case, we also granted the Association's motion for appellate attorney's fees and remanded for an evidentiary hearing to fix the amount. On remand, after a contested evidentiary hearing, the trial court entered a judgment against Sadlak for the appellate attorney's fees and for the expert witness fee of the attorney who testified as to the amount of the fees.

On January 19, 2021, Sadlak sought review of the attorney's fees judgment by two avenues. First, Sadlak filed a motion for review of the award of attorney's fees as provided by Florida Rule of Appellate Procedure 9.400(c) ("Review of orders rendered by the lower tribunal under this rule shall be by motion filed in the court within 30 days of rendition."). We denied the motion to review. Second, Sadlak filed the appeal at issue.

We have reviewed Sadlak's prior motion for review filed in case number 3D19-1406 and find the grounds raised in this appeal identical to the grounds already raised. Without belaboring the point, we are bound to reject this duplicative appeal for several reasons, including the doctrine of the law of the case. Contreras v. Bank of New York Mellon, 259 So. 3d 310 (Fla. 3d

DCA 2018) (holding: “Even though it consists only of citations of authority without further explanation, a per curiam decision of the appellate court is the law of the case between the same parties on the same issues and facts, and determines all issues necessarily involved in the appeal, whether mentioned in the court’s opinion or not.”) (quoting New England Ins. Co. v. Int’l Bank of Miami, N.A., 537 So. 2d 1025, 1025 (Fla. 3d DCA 1988)).

Affirmed.