

Third District Court of Appeal

State of Florida

Opinion filed September 1, 2021.

No. 3D21-1261
Lower Tribunal No. 19-16697

Luis A. Soro,
Appellant,

vs.

Pedro Jose Lopez Villari,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Samantha Ruiz Cohen, Judge.

Luis A. Soro, in proper person.

Hoffman, Larin & Agnetti, P.A., and Michael S. Hoffman, for appellee.

Before EMAS, HENDON and LOBREE, JJ.

PER CURIAM.

ON MOTION FOR REHEARING

We treat appellant Luis A. Soro's motion for rehearing en banc as including a motion for rehearing, deny the motion for rehearing, withdraw our prior opinion, and substitute the following in its stead:

Affirmed on the authority of Florida Rule of Appellate Procedure 9.315(a) (providing: "After service of the initial brief..., the court may summarily affirm the order to be reviewed if the court finds that no preliminary basis for reversal has been demonstrated"). See also Soro v. Lopez, 300 So. 3d 152 (Table) (Fla. 3d DCA 2020); Applegate v. Barnett Bank of Tallahassee, 377 So. 2d 1150, 1152 (Fla. 1979) (holding: "Without a record of the trial proceedings, the appellate court can not properly resolve the underlying factual issues so as to conclude that the trial court's judgment is not supported by the evidence or by an alternative theory. Without knowing the factual context, neither can an appellate court reasonably conclude that the trial judge so misconceived the law as to require reversal").