

# Third District Court of Appeal

State of Florida

Opinion filed November 10, 2021.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D21-1476  
Lower Tribunal No. 12-48902

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**William Alvarez and Bethaida Alvarez,**  
Petitioners,

vs.

**Mark Cantor,**  
Respondent.

On Petition for Writ of Certiorari from the Circuit Court for Miami-Dade County, Peter R. Lopez, Judge.

Coffey Burlington, P.L., and Kendall Coffey, Jeffrey B. Crockett, David J. Zack, and Dorothy C. Kafka, for petitioners.

do Campo & Thornton, P.A., and John Thornton, Orlando do Campo, Daniela Jaramillo, and Michael J. Rutledge; and Donet, McMillan & Trontz, P.A., and David A. Donet, Jr., for respondent.

Before EMAS, HENDON, and GORDO, JJ.

HENDON, J.

William Alvarez and Bethaida Alvarez (collectively, “Petitioners”), seek certiorari review of the trial court’s order granting the second amended motion for leave to add a claim for punitive damages filed by Mark Cantor (“Respondent”). We deny the petition.

The record before this Court reflects that the trial court complied with the procedural requirements of section 768.72(1), Florida Statutes (2021). The Respondent proffered evidence in support of his claim for punitive damages against the Petitioners, and following a hearing, the trial court entered a thorough order finding that the Respondent’s proffer was sufficient to support the claim for punitive damages against the Petitioners, both individually and collectively. See Event Depot Corp. v. Frank, 269 So. 3d 559, 561-63 (Fla. 4th DCA 2019) (recognizing that the scope of an appellate court’s certiorari review of an order granting a motion for leave to add a claim for punitive damages is limited to whether the trial court complied with the procedural requirements of section 768.72, but certiorari review is not available to review the sufficiency of the respondent’s evidentiary proffer); see also E.R. Truck & Equip. Corp. v. Gomont, 300 So. 3d 1230, 1231 (Fla. 3d DCA 2020); Sedgwick Claims Mgmt. Servs. v. Rodriguez, 299 So. 3d 477, 478-79 (Fla. 3d DCA 2020). Accordingly, we

deny the petition for writ of certiorari and, in doing so, conclude that the arguments raised by the Petitioners lack merit.

Petition denied.