

Third District Court of Appeal

State of Florida

Opinion filed November 23, 2022.
Not final until disposition of timely filed motion for rehearing.

No. 3D22-399
Lower Tribunal No. 21-5946

Vladimir Rolando Avalos,
Appellant,

vs.

Amaury Diaz Velarde,
Appellee.

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

Marrero, Chamizo, Marcer Law, LP, and David T. Valero, for appellant.

Green, Matzner & Kellner, P.A., and Jay B. Green (Boca Raton); Russo Appellate Firm, P.A., and Elizabeth K. Russo, for appellee.

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

PER CURIAM.

Affirmed. See Brookie v. Winn-Dixie Stores, Inc., 213 So. 3d 1129, 1131-32 (Fla. 1st DCA 2017) ("Appellee[] did not violate any legal duty to Appellant, who observed the condition but was injured by failing to use due care for his own safety Appellee[] owed no duty to warn Appellant of the open and obvious condition, because Appellees' knowledge of the condition was not 'superior' to Appellant's.>").