

Third District Court of Appeal

State of Florida

Opinion filed September 13, 2023.
Not final until disposition of timely filed motion for rehearing.

No. 3D23-157
Lower Tribunal No. 22-3470

TheDigital.Support LLC, etc.,
Appellant,

vs.

Smarketing Technologies Corporation, etc., et al.,
Appellees.

An Appeal from a non-final order from the Circuit Court for Miami-Dade County, Migna Sanchez-Llorens, Judge.

PAG Law PLLC, and Patricia Acosta and Alexandra Goodstone, for appellant.

EPGD Attorneys at Law, P.A., and Justin Hassani and Oscar A. Gomez, for appellees.

Before SCALES, HENDON and MILLER, JJ.

PER CURIAM.

Affirmed. See Bank of New York Mellon v. One Seagrove Place Owners Ass'n, 276 So. 3d 486, 487 (Fla. 1st DCA 2019) (“The Bank’s motion set forth a colorable claim [under rule 1.540], and the trial court held an evidentiary hearing. But the Bank furnished no transcript of the hearing in the appendix filed in this appeal. In the absence of a transcript, we must presume that the trial court’s order denying the Bank’s motion ‘was based on additional evidence adduced at the hearing.’ We thus AFFIRM the order denying relief from the . . . judgment.” (quoting Snowden v. Wells Fargo Bank, 172 So. 3d 506, 508 (Fla. 1st DCA 2015))).