

# Third District Court of Appeal

## State of Florida

Opinion filed March 19, 2014.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D13-2124  
Lower Tribunal No. 10-53090

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**Bank of America, N.A., etc.,**  
Appellant,

vs.

**Felix Gaspard a/k/a Felix I. Gaspard,**  
Appellee.

An Appeal from a non-final order from the Circuit Court for Miami-Dade County, Marvin H. Gillman, Judge.

Van Ness Law Firm, PLC and Morgan L. Weinstein (Deerfield Beach); McGuire Woods LLP, and Sara F. Holladay-Tobias, Emily Y. Rottmann, and C. Harold Houston, III (Jacksonville), for appellant.

Felix Gaspard, a/k/a Felix I. Gaspard, in proper person.

Before ROTHENBERG, EMAS, and LOGUE, JJ.

PER CURIAM.

We treat the order on appeal as an order granting a new trial and affirm because the trial court did not abuse its discretion in granting the motion. See generally Brown v. Estate of Stuckey, 749 So. 2d 490, 497-98 (Fla. 1999) (“When reviewing the order granting a new trial, an appellate court must recognize the broad discretionary authority of the trial judge and apply the reasonableness test to determine whether the trial judge committed an abuse of discretion.”).