

**IN THE CIRCUIT COURT OF THE  
ELEVENTH JUDICIAL CIRCUIT IN  
AND FOR MIAMIDADE COUNTY,  
FLORIDA**

CIRCUIT CIVIL DIVISION  
CASE No. 2018-002477-CA-01

**BECRUISING TELECOM LLC,**

Plaintiff,

vs.

**PALAU SUNSET HARBOR  
CONDOMINIUM  
ASSOCIATION INC. et al**

Defendant(s)

\_\_\_\_\_ /

**CORRECTED NOTICE OF APPEAL**

COMES NOW the Plaintiff, "Becrusing Telecom LLC.," by and through undersigned counsel and hereby files its Notice of Appeal to the Florida 3rd District Court of Appeal on the Order entered by this Court on August 12<sup>th</sup>, 2024, denying Plaintiff's Motion to Vacate Final Judgment and for Rehearing and its accompanying related Order directing Clerk to close case. Pursuant to Fla. R. App. P. 9.110(d) and Fla. R. App. P. 9.900(a), A conformed copy of each order is attached hereto and made part thereof as Exh. "A."

STATE OF FLORIDA, COUNTY OF MIAMI-DADE  
I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE  
ORIGINAL ON FILE IN THIS OFFICE 9-18 AD 20 24  
JUAN FERNANDEZ-BARQUIN, Clerk of the Court and Comptroller, Miami-Dade County  
Deputy Clerk [Signature] 12662



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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent to the parties and attorneys of record as shown on the attached service list. The service was completed on this 7<sup>th</sup> day of September, 2020. On the service list, if an email address is designated for a party, then that party was served via email only. If no email address is listed for that defendant on the service list, then that party was served via regular U.S. Mail.

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**PLAINTIFF'S  
EXHIBIT "A"**

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL  
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CASE NO: 2018-002477-CA-01

SECTION: CA13

JUDGE: Tanya Brinkley

**BECRUISING TELECOM LLC.**

Plaintiff(s)

vs.

**PALAU SUNSET HARBOR CONDOMINIUM ASSOCIATION INC. et al**

Defendant(s)

**ORDER DENYING MOTION TO VACATE JUDGEMENT**

Docket Index Number: **204079841**

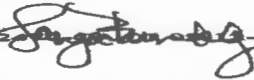
Or

Efiling Number: **204079841** Date Filed: **08/05/2024**

Full Name of Motion: \_\_\_\_\_

**Plaintiff's Motion to Vacate Final Judgment and for Rehearing is Denied.**

**DONE and ORDERED** in Chambers at Miami-Dade County, Florida on this 12th day of August, 2024.

2018-002477-CA-01 08-12-2024 1:49  


2018-002477-CA-01 08-12-2024 1:49 PM

Hon. Tanya Brinkley

**CIRCUIT COURT JUDGE**

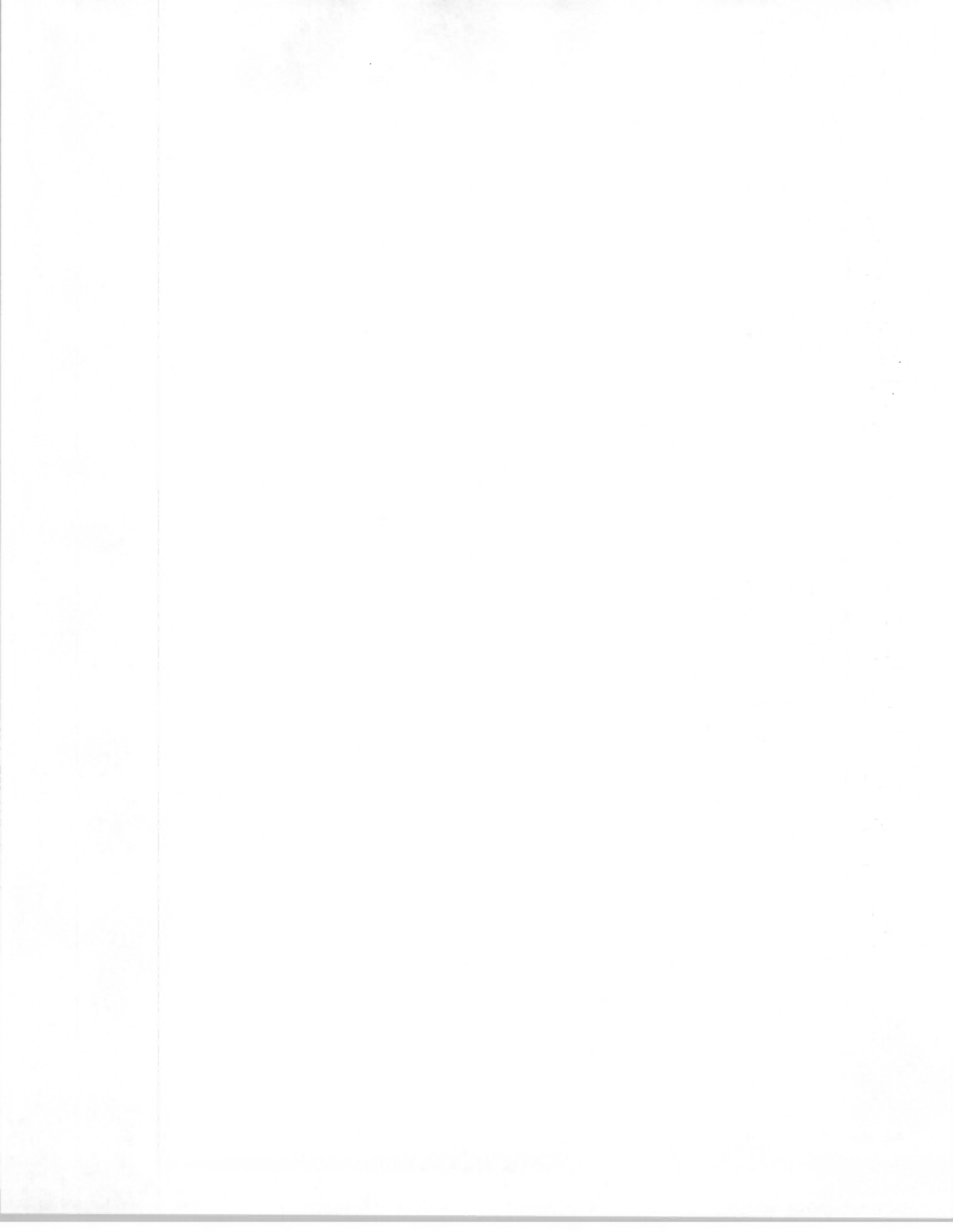
Electronically Signed

Final Order as to All Parties SRS #: 12 (Other)

**THE COURT DISMISSES THIS CASE AGAINST ANY PARTY NOT LISTED IN THIS  
FINAL ORDER OR PREVIOUS ORDER(S). THIS CASE IS CLOSED AS TO ALL PARTIES.**

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Page 1 of 2



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**PLAINTIFF'S  
EXHIBIT "A"**

**Physically Served:**

Page 2 of 2

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL  
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

**PLAINTIFF'S  
EXHIBIT "A"**

CASE NO: 2018-002477-CA-01

SECTION: CA13

JUDGE: Tanya Brinkley

**BECRUISING TELECOM LLC.**

Plaintiff(s)

vs.

**PALAU SUNSET HARBOR CONDOMINIUM ASSOCIATION INC. et al**

Defendant(s)

**FINAL JUDGMENT IN FAVOR OF DEFENDANTS', LINDA DIAMOND, MARCELASARDI  
AND USA TECHNOLOGY CORP. AND AGAINST PLAINTIFF**

THIS CAUSE having come before this Honorable Court on July 10, 2024 upon Defendants', Linda Diamond, Marcela Sardi and USA Technology Corp. (collectively "Defendants") Motion for Entry of Final Judgment, and the Court having considered Plaintiff's filings in opposition, hearing argument of counsel, reviewed the Court's file, and being otherwise fully advised in the premises, IT IS HEREBY ORDERED AND ADJUDGED as follows:

1. The Plaintiff alleges one count against each of the moving Defendants for alleged violation of Florida Statutes § 812.15(2)(a)(1)(b) and (3)(a)(b). *See Counts III, IV & V of Plaintiff's Corrected Am. Compl.*
2. The Court previously granted Motions for Summary Judgment on Counts III, IV & V of Plaintiff's Corrected Amended Complaint by Orders dated April 25, 2022 ("Summary Judgment Orders").
3. Thereafter, Plaintiff appealed the Summary Judgment Orders to the Third District Court of Appeal.
4. Plaintiff moved to dismiss its own appeal, with the Third District Court of Appeal dismissing the appeal on November 30, 2023.

5. On June 11, 2024, Defendants filed their Motion for Entry of Final Judgment pursuant to previously entered case management orders by this Court.

**PLAINTIFF'S  
EXHIBIT "A"**

6. Plaintiff's attempted opposition to the Motion for Entry of Final Judgment already considered before granting summary judgment in Defendants' favor. Issues, if any, that were raised for the first time in opposition to the Defendants' Motion for Entry of Final Judgment were without merit, not raised in the procedurally correct manner, and did not show good cause to persuade this Court that the information presented indicates that there was anything improper with the Court's granting of Summary Judgment in favor of Defendants.

7. Moreover, pursuant to the May 29, 2024 case management order, Plaintiff was to confer with all counsels and set one of its pending Motions for Leave to Amend the operative Complaint for hearing. Furthermore, and considering the length of time Plaintiff's Motions for Leave to Amend the operative Complaint remained pending with the Court and Plaintiff never having made any effort to set said Motions for hearing, the Court ordered that should any Motion for Leave to Amend not be set for hearing within one week from the date of the order, the pending Motions for Leave to Amend shall be deemed abandoned. Plaintiff did not comply with the Court's May 29, 2024 order. Plaintiff did not confer on or set any pending Motion for Leave to Amend for hearing. Therefore, Plaintiff has abandoned any pending Motions for Leave to Amend. Irrespective of Plaintiff's lack of compliance with this Court's case management orders, the Court finds that the pending Motions for Leave to Amend are without merit.

8. There are no claims remaining against Defendants.

9. Pursuant to the previous Summary Judgments Orders entered on April 25, 2022 on Counts III, IV & V of Plaintiff's Corrected Amended Complaint, Final Judgment is hereby entered in favor of Defendants, Linda Diamond, Marcela Sardi and USA Technology Corp., and against Plaintiff, Becruising Telecom LLC, 4179 E 8<sup>th</sup> Ct, Hialeah, FL 33013. Plaintiff shall take nothing by this action and Defendants Linda Diamond, Marcela Sardi and USA Technology Corp., shall go hence without day.

**PLAINTIFF'S  
EXHIBIT "A"**

10. On July 8, 2022, the Court entered an order granting Defendant, USA Technology Corp.'s

Motion for Entitlement to Attorneys' Fees and Costs. On November 30, 2023, the Third District Court of Appeal granted USA Technology Corp.'s Motion for Entitlement to Appellate Attorney's fees. The Court reserves jurisdiction to determine the amount of costs and attorneys' fees to be awarded upon a proper showing made by USA Technology Corp. establishing and supporting the amounts of such fees and costs, and to enter a final judgment in favor of USA Technology Corp. for its attorneys' fees and costs and to conduct such further proceedings as are necessary.

**DONE** and **ORDERED** in Chambers at Miami-Dade County, Florida on this 19th day of July, 2024.

2018-002477-CA-01 07-19-2024 7:03 PM  


2018-002477-CA-01 07-19-2024 7:03 PM

Hon. Tanya Brinkley

**CIRCUIT COURT JUDGE**

Electronically Signed

No Further Judicial Action Required on **THIS MOTION**

CLERK TO **RECLOSE** CASE IF POST JUDGMENT

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**PLAINTIFF'S  
EXHIBIT "A"**

**Physically Served:**

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL  
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

**PLAINTIFF'S  
EXHIBIT "A"**

CASE NO: 2018-002477-CA-01  
SECTION: CA13  
JUDGE: Tanya Brinkley

**BECRUISING TELECOM LLC.**

Plaintiff(s)

vs.

**PALAU SUNSET HARBOR CONDOMINIUM ASSOCIATION INC. et al**

Defendant(s)

**ORDER DIRECTING CLERK TO CLOSE CASE**

The Clerk of Court is directed to close this case pursuant to the entry of the Final Judgment, to wit: FINAL JUDGMENT IN FAVOR OF DEFENDANTS', LINDA DIAMOND, MARCELA SARDI AND USA TECHNOLOGY CORP. AND AGAINST PLAINTIFF.

**DONE** and **ORDERED** in Chambers at Miami-Dade County, Florida on this 12th day of August, 2024.

2018-002477-CA-01 08-12-2024 3:20 PM

2018-002477-CA-01 08-12-2024 3:20 PM

Hon. Tanya Brinkley

**CIRCUIT COURT JUDGE**

Electronically Signed

Final Order as to All Parties SRS #: 12 (Other)

**THE COURT DISMISSES THIS CASE AGAINST ANY PARTY NOT LISTED IN THIS  
FINAL ORDER OR PREVIOUS ORDER(S). THIS CASE IS CLOSED AS TO ALL PARTIES.**

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