

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
THIRD DISTRICT

MARIA LIMA,

Appellant,

CASE NO. 3D2023-1915

LT Case No. 2016-005582-CA-01 (04)

v.

THE GARDENS OF KENDALL SOUTH  
CONDOMINIUM NO. 4  
ASSOCIATION, INC., and THE  
GARDENS OF KENDALL SOUTH  
PROPERTY OWNERS ASSOCIATION,  
INC.,

Appellees.

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**APPELLEES' MOTION TO STRIKE APPELLANT'S  
UNAUTHORIZED AMENDED INITIAL BRIEF**

Appellees The Gardens of Kendall South Condominium No. 4 Association, Inc. (“Condominium No. 4”) and The Gardens of Kendall South Property Owners Association, Inc. (“POA”)<sup>1</sup> move to strike Appellant’s unauthorized Amended Initial Brief as follows:

1. This appeal concerns summary judgment granted in favor of Appellees at the trial court level concerning allegations of nuisance in a condominium building and other allegations of the like.

2. On April 2, this Court denied Appellant’s Motion to File a Corrected Initial Brief without prejudice to filing a similar motion within seven days, with the proposed corrected brief attached to the motion. The order is attached as Exhibit “A.”

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<sup>1</sup> Although Christopher Gargano is included in the case caption as an Appellee, the only Appellees are Condominium No. 4 and POA, whose Motion for Summary Judgment was granted in the lower court.

3. Instead of seeking leave as outlined by the Court, yesterday, Appellant filed her Amended Initial Brief without the Court's permission.

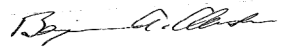
4. Given the unauthorized filing, Appellees move to strike the Amended Initial Brief and for the Court to give Appellees 30 days following the entry of an order on this motion to answer Appellant's original Initial Brief.

WHEREFORE, Appellees Condominium No. 4 and the POA move to strike Appellant's unauthorized Amended Initial Brief and for relief as set forth above.

**CERTIFICATE OF SERVICE**

WE HEREBY CERTIFY that a true copy of the foregoing was furnished via Electronic Service via the Florida Courts E-filing Eportal pursuant to the Supreme Court Administrative Order AOSC13-490 this date, April 10, 2024, to: Maria Lima, Pro Se Appellant, 10845 SW 112 Ave. #302, Miami, FL 33176, akwanland@gmail.com.

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By: \_\_\_\_\_  
BENJAMIN A KASHI  
Florida Bar No. 802891

# **EXHIBIT “A”**

IN THE DISTRICT COURT OF  
APPEAL  
OF FLORIDA  
THIRD DISTRICT

April 1, 2024

Maria Lima,

**3D2023-1915**

Appellant(s),

Trial Court Case No. 16-5582

v.

Christopher R. Gargano, et al.,

Appellee(s).

Upon consideration, pro se Appellant's Motion for Leave to File a Corrected Initial Brief is hereby denied without prejudice to pro se Appellant filing a similar motion, within seven (7) days from the date of this Order, with a copy of the corrected brief attached.

A True Copy  
ATTEST

3D2023-1915 4/1/24  
Mercedes M. Prieto, Clerk  
District Court of Appeal  
Third District



CC: Gerald Ramon Bland  
Benjamin Aaron Kashi  
Maria Lima  
Bruce Michael Trybus

TS