

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.

**APPELLEES' RESPONSE IN OPPOSITION TO
APPELLANT'S MOTION FOR LEAVE TO SUBMIT NEW EVIDENCE**

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")¹ respond in opposition to Appellant's Motion for Leave to Submit New Evidence and ask the Court to deny the motion and state:

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 29, 2024, Appellees filed their Answer Brief to Appellant's Amended Initial Brief.

¹ Although Christopher Gargano is included in the original 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.

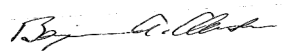
3. Today, in response to Appellees' Answer Brief, Appellant now seeks leave to submit new evidence; however, Appellant is barred from doing so for the first time in her Reply Brief. *See Hoskins v. State*, 75 So. 3d 250, 257 (Fla. 2011) (argument not raised in the appellant's initial brief was barred from being raised for the first time in his reply brief); *Hall v. State*, 823 So. 2d 757, 763 (Fla. 2002) (“[A]n issue not raised in an initial brief is deemed abandoned and may not be raised for the first time in a reply brief.”)

WHEREFORE, Appellees Condominium No. 4 and the POA respond in opposition to Appellant's Motion for Leave to Submit New Evidence and ask the Court to deny the motion.

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, May 1, 2024, to: Maria Lima, Pro Se Appellant, 10845 SW 112 Ave. #302, Miami, FL 33176, akwanland@gmail.com.

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