

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

POKERGO LLC,

Plaintiff,

v.

Case No.: 2024-011047-CA-01

DE LA ROSA LAW, P.A., and
OSCAR DE LA ROSA,

Defendants.

NOTICE OF APPEAL

NOTICE IS GIVEN that Plaintiff PokerGO LLC, by counsel, appeals to the Third District Court of Appeal the following: (a) the Order Granting Defendants De La Rosa Law, P.A. and Oscar De La Rosa's Motion to Dismiss Plaintiff's Verified Complaint, rendered on August 15, 2024, attached as **Exhibit 1**; and (b) the Order Denying Plaintiff's Motion for Rehearing and Motion for Leave to Amend, rendered on September 6, 2024, attached as **Exhibit 2**. The nature of these orders is final.

[SIGNATURE ON NEXT PAGE]

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Attorneys for PokerGO LLC

CERTIFICATE OF SERVICE

I CERTIFY that on September 11, 2024, the foregoing has been electronically filed with the Court using the Florida Court's E-Filing Portal System, which will serve a copy to all counsel of record.

/s/ Daniel P. Dietrich

Daniel P. Dietrich, Esq.

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 9-12 AD 20 24

JUAN FERNANDEZ-BARQUIN, Clerk of the Court and Comptroller, Miami-Dade County

Deputy Clerk *[Signature]*



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EXHIBIT

1

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

CASE NO: 2024-011047-CA-01

SECTION: CA21

JUDGE: David C. Miller

Poker Central LLC

Plaintiff(s)

vs.

De La Rosa Law, P.A. et al

Defendant(s)

**ORDER GRANTING DEFENDANTS DE LA ROSA LAW, P.A. AND OSCAR DE LA
ROSA'S MOTION TO DISMISS PLAINTIFF'S VERIFIED COMPLAINT [D.E. 18]**

THIS CAUSE came before the Court for hearing on August 8, 2024, upon Defendants De La Rosa Law, P.A. and Oscar de la Rosa's Motion to Dismiss [D.E. 18]. After reviewing the extensive briefing from the parties, entertaining oral argument, and being otherwise fully advised on the premises, it is hereby adjudged as follows:

1. Defendants' Motion to Dismiss is **GRANTED**.
2. The action against Defendants De La Rosa Law, P.A. and Oscar de la Rosa is **DISMISSED WITH PREJUDICE**.
3. The Court finds as a matter of law that Plaintiff's Verified Complaint [D.E. 2] was filed in violation of Florida Statutes, Section 768.295 (Florida's Anti-SLAPP Statute).
4. The Court further finds as a matter of law that the attorney communication described in the Verified Complaint constitutes free speech protected under § 768.295 and involves privileged speech from an attorney on privacy issues related to impending litigation as further evidenced by attorney de la Rosa's correspondence dated June 7, 2024, which Plaintiff incorporated by reference by extensively relying on and quoting the correspondence in the

Verified Complaint, (D.E. 2 at ¶¶ 35, 38–39, 42).

5. This Court finds as a matter of law that the allegedly objectionable words are not defamatory *per se* because they are not inherently injurious on their face without the aid of innuendo or extrinsic facts or implications.
6. The Single-Action Rule bars the dependent counts for Count II-Tortious Interference and Count III-Injunctive Relief.
7. Alternatively, this Court concludes as a matter of law that Count II-Tortious Interference fails because the verified allegations seek general compensatory damages for alleged interference with subscribers at large. See Ethan Allen, Inc. v. Georgetown Manor, Inc., 647 So. 2d 812, 815 (Fla. 1995).
8. The relief requested in Count III-Injunctive Relief would constitute an impermissible prior restraint on speech that does not fall into any exception.
9. This Court finds that any attempt to amend the Complaint would be futile for the reasons stated on the record.
10. This Court retains jurisdiction to determine entitlement to and amount of fees and costs under Florida Statutes, section 768.295(4).

DONE and ORDERED in Chambers at Miami-Dade County, Florida on this 15th day of August, 2024.


2024-011047-CA-01 08-15-2024 3:38 PM

2024-011047-CA-01 08-15-2024 3:38 PM

Hon. David C. Miller

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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2

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

CASE NO: 2024-011047-CA-01

SECTION: CA21

JUDGE: David C. Miller

Poker Central LLC

Plaintiff(s)

vs.

De La Rosa Law, P.A. et al

Defendant(s)

**ORDER DENYING PLAINTIFF'S MOTION FOR REHEARING AND MOTION FOR
LEAVE TO AMEND**

This case came before the Court upon the PLAINTIFF'S MOTION FOR REHEARING AND
MOTION FOR LEAVE TO AMEND (filed 8/30/24) and the Court having considered this Motion
along with DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION FOR REHEARING AND
MOTION FOR LEAVE TO AMEND (filed 9/5/24) and being duly advised on the parties
submissions, it is;

Ordered and Adjudged that Plaintiff's Motion is **Denied** for all of the reasons expressed in the
Response.

DONE and ORDERED in Chambers at Miami-Dade County, Florida on this 6th day of
September, 2024.


2024-09-06 06:11 AM

2024-011047-CA-01 09-06-2024 6:11 AM

Hon. David C. Miller

CIRCUIT COURT JUDGE

Electronically Signed

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

CLERK TO **RECLOSE** CASE IF POST JUDGMENT

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