

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

David D. Walter, an individual,
Plaintiff/Appellant,

v.

CASE NO.: 19-036607-CA-01

Barry M. Tuvell, D.P.M., an individual, and
Barry M. Tuvell, D.P.M., P.A.
Defendants/Appellees.

SECTION CA 59
JUDGE BARBARA ARECES
(Trial & Post-Trial)

PLAINTIFF'S NOTICE OF APPEAL

Notice is given that Plaintiff/Appellant David D. Walter, pro se, appeals to the Third District Court of Appeal Orders of this Court rendered on July 24, 2024; August 2, 2024; and December 2, 2024. Conformed copies of these Orders are attached pursuant to Florida Rule of Appellate Procedure 9.110(d). The nature of the Orders are as follows:

- (1) July 24, 2024, ORDER ON PLAINTIFF'S MOTION FOR LEAVE TO AMEND COMPLAINT;
- (2) August 2, 2024; ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION OF DENIAL OF FIRST MOTION FOR LEAVE TO AMEND COMPLAINT; and
- (3) December 2, 2024, ORDER DENYING PLAINTIFF'S MOTION TO SET ASIDE VERDICT AND TO ENTER JUDGMENT IN ACCORDANCE WITH MOTION FOR DIRECTED VERDICT AND, ALTERNATIVELY, MOTION FOR NEW TRIAL (inclusive of the Court's review regarding the granting of the Defendants' Motion in Limine to Exclude Testimony, Evidence, and References to the Issue of Lack of Informed Consent; the Defendants' Motion in Limine to Exclude Evidence of Prior Lawsuits and Claims Against Defendants, Plaintiff's Treating Physicians, and Defendants Medical Expert; and review of Proposed Jury Instructions and Jury Verdict Form).

Dated: December 31, 2024

Respectfully submitted,
/s/ David D. Walter
Prof. David D. Walter
Plaintiff, Pro Se
Attorney at Law
Florida Bar Number 47401

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 1-2-25 AD 20 24
JUAN FERNANDEZ-BARQUIN, Clerk of the Court and Comptroller, Miami-Dade County
Deputy Clerk Wu Kee
e208836



CERTIFICATE OF SERVICE

I certify that I electronically served this document by email to: **T. Michael Kennedy and Roxette Gonzales**, Wicker Smith, 2800 Ponce de Leon Blvd, Suite 800, Coral Gables, Florida 33134 (miacrtpleadings@wickersmith.com; tkennedy@wickersmith.com; RGonzalez@wickersmith.com; GMcroy@wickersmith.com).

Dated: December 31, 2024

Respectfully submitted,

/s/ David D. Walter

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Florida Bar Number 47401

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

CASE NO: 2019-036607-CA-01

SECTION: CA21

JUDGE: David C. Miller

David D Walter

Plaintiff(s)

vs.

Barry M Tuvel DPM et al

Defendant(s)

ORDER ON PLAINTIFF'S MOTION FOR LEAVE TO AMEND COMPLAINT

THIS CAUSE was brought before the court for Hearing on July 24, 2024, on Plaintiff's Motion for Leave to Amend Complaint. The court considered the relevant pleadings and arguments made by counsel. As such, being otherwise fully advised in the premises, it is hereby

ORDERED and **ADJUDGED** that;

Plaintiff's Motion for Leave to Amend Complaint is **DENIED** for the reasons stated on the record including the fact that it had already been through **Non-Binding Arbitration** and shouldn't be tried differently so as to interfere with the sanction provisions in the event the party requesting a de novo trial doesn't do significantly better with a jury, the age of the case (now 1681 days old) and the trial being imminent, all of which causing the Court to conclude an amendment at this time would be an abuse of the privilege.

DONE and **ORDERED** in Chambers at Miami-Dade County, Florida on this 24th day of July, 2024.


~~2019-036607-CA-01~~ 2:29 PM

2019-036607-CA-01 07-24-2024 2:29 PM

Hon. David C. Miller

CIRCUIT COURT JUDGE

Electronically Signed

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

CLERK TO **RECLOSE** CASE IF POST JUDGMENT

Electronically Served:

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

CASE NO: 2019-036607-CA-01

SECTION: CA21

JUDGE: David C. Miller

David D Walter

Plaintiff(s)

vs.

Barry M Tuvel DPM et al

Defendant(s)

**ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION OF DENIAL OF
FIRST MOTION FOR LEAVE TO AMEND COMPLAINT**

PLAINTIFF'S MOTION FOR RECONSIDERATION OF DENIAL OF FIRST MOTION FOR
LEAVE TO AMEND COMPLAINT (filed 7/31/24) is **Denied**.

DONE and **ORDERED** in Chambers at Miami-Dade County, Florida on this 2nd day of August,
2024.


2019-036607-CA-01 08-02-2024 7:21 AM

2019-036607-CA-01 08-02-2024 7:21 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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Physically Served:

IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

DAVID D. WALTER,

CIRCUIT CIVIL DIVISION

Plaintiff,

CASE NO.: 19-36607 CA 01

vs.

BARRY M. TUVEL, D.P.M. and
BARRY M. TUVEL, D.P.M., P.A.

Defendants.

_____ /

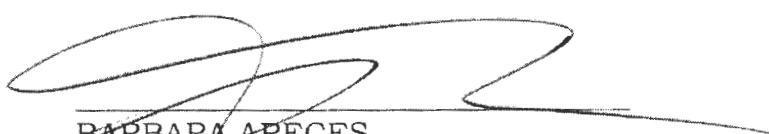
ORDER DENYING PLAINTIFF'S MOTION TO SET ASIDE VERDICT
AND TO ENTER JUDGMENT IN ACCORDANCE
WITH MOTION FOR DIRECTED VERDICT
AND, ALTERNATIVELY,
MOTION FOR NEW TRIAL

2024 DEC -2 PM 3:20

THIS CAUSE, having come before the Court on *Plaintiff's Motion to Set Aside Verdict and to Enter Judgment in Accordance with Motion for Directed Verdict and, Alternatively, Motion for New Trial*, the Court having reviewed said Motion, Defendants' Response, Plaintiff's Reply, all affidavits and declarations in support of these filings and being otherwise duly advised, it is hereby

ORDERED that Plaintiff's Motion is DENIED.

DONE and ORDERED in Miami-Dade County, Florida, this 2nd day of December, 2024.


BARBARA ARECES
Circuit Court Judge

cc: to all counsel and parties on the service list via courtMap