

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

CIRCUIT CIVIL DIVISION

CASE NO.: 2023-016750-CA-31

8660 BUILDING, LLC,

Plaintiff,

v.

GROUP AFG, INC.,

Defendant.

NOTICE OF APPEAL

NOTICE IS GIVEN that Plaintiff/Appellant, 8660 BUILDING, LLC, appeals to the Third District Court of Appeal, the Order of this court rendered on December 4, 2024. A conformed copy of the order appealed from is attached hereto as Exhibit "A". The nature of the order is a Motion for Rehearing/Reconsideration of the Order Entering Directed Verdict in Favor of Defendant on Supplemental Damages.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via email on this 5th day of December 2024 on Christopher Spuches, Esq., Ian Micahel Corp, Esq., Agentis PLLC, 55 Alhambra Plaza, Suite 800, Coral Gables, FL 33134, cbs@agentislaw.com; service@agentislaw.com; rmartin@agentislaw.com; imc@agentislaw.com; service@agentislaw.com.

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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 12-5 AD 20 24
JUAN FERNANDEZ-BARQUIN, Clerk of the Court and Comptroller, Miami-Dade County
Deputy Clerk



By: /s/ Jose M. Francisco

JOSE M. FRANCISCO
Fla. Bar #0892874

Exhibit "A"

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

CASE NO: 2023-016750-CA-01
SECTION: CA31
JUDGE: Migna Sanchez-Llorens

8660 BUILDING,LLC,

Plaintiff(s)

vs.

GROUP AFG,INC.

Defendant(s)

**ORDER ON PLAINTIFF'S MOTION FOR REHEARING/RECONSIDERATION OF THE
ORDER ENTERING DIRECTED VERDICT IN FAVOR OF DEFENDANT ON
SUPPLEMENTAL DAMAGES**

THIS CAUSE came before the Court upon Plaintiff, 8660 Building, LLC's ("8660") *Motion for Rehearing/Reconsideration of the Order Entering Directed Verdict in Favor of Defendant on Supplemental Damages* (the "Motion for Rehearing") [D.E. 140]. The Court having heard argument of counsel and being otherwise duly advised in the premises, it is hereby,

ORDERED AND ADJUDGED as follows:

1. The Motion for Rehearing was filed on May 2, 2024. However, prior to that date, on April 25, 2024, the Court heard 8660's *Motion for Attorney's Fees and Costs (as to Entitlement Only)* [D.E. 105].
2. On August 8, 2024, twelve days before the Court heard the Motion for Rehearing, the Court entered its *Order on Attorney's Fees and Costs* [D.E. 148].
3. In the Order on Attorney's Fees and Costs, the Court made findings governing this case and the overall relief 8660 seeks. These findings are incorporated into this Order.
4. In short, the Court denied the Motion for Attorney's Fees and Costs, and found that 8660 was

not entitled to any attorney's fees or costs in this case.

5. The Court largely based its decision on two undisputed facts: that the Easement (as defined in the Order) contained clear language that (1) 8660 was required to provide notice and a cure period to Defendant, Group AFG, Inc. ("AFG"), and it did not; and (2) 8660 was equally responsible for the subject pump station's maintenance and repair. The Court also found that applying these and other facts to Florida law, 8660 was not the prevailing party.
6. The findings in the Court's *Order on Attorney's Fees and Costs* preclude 8660 from obtaining the relief sought in its *Motion for Supplemental Relief* [D.E. 48] (as amended by D.E. 107). It was at the April 18, 2024 hearing on the Motion for Supplemental Relief that the Court entered a directed verdict in AFG's favor, which is the subject of 8660's Motion for Rehearing.
7. However, that issue was rendered moot by the August 8, 2024 Order on Attorney's Fees and Costs, and its findings, because the Court now found as a matter of law that 8660 is not entitled to any relief.
8. Accordingly, the Court DENIES the Motion for Rehearing.

DONE and ORDERED in Chambers at Miami-Dade County, Florida on this 4th day of December, 2024.

2023-016750-CA-01 12-04-2024 1:55 PM


2023-016750-CA-01 12-04-2024 1:55 PM

Hon. Migna Sanchez-Llorens

CIRCUIT COURT JUDGE

Electronically Signed

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

CLERK TO **RECLOSE** CASE IF POST JUDGMENT

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