

IN THE DISTRICT COURT OF APPEAL OF FLORIDA
THIRD DISTRICT

NO.: 3D2024-1807

L.T. NO.: 22-20159-CA-01

EUGENE STEPPE,

Appellant,

v.

MIAMI BEACH REALTY, LLC, et al.

Appellees.

MOTION TO STRIKE INITIAL BRIEF

The appellees, MIAMI BEACH REALTY, LLC and KATHRIN REIN (together, “Appellees”), move to strike the initial brief (“Initial Brief”) filed by appellants, EUGENE STEPPE and MARIA CRISTINA STEPPE¹ (“Appellants”), on October 31, 2024, on the grounds that the Initial Brief does not conform to the requirements set forth in Fla. R. App. P. 9.210 (“Rule 9.210”).

¹ It does not appear that co-defendant in the lower tribunal, Maria Cristina Steppe, has appealed the final judgment against her, as the Notice of Appeal filed October 14, 2024 only contains the name “Eugene J. Steppe” as appellant. No motion to amend the notice of appeal has been filed. In an abundance of caution and without waiving its rights, this motion is directed to both Appellants as the Initial Brief contains both of their names.

Rule 9.210 sets forth the requirements for all briefs. The Initial Brief does not comply with Rule 9.210, and should therefore be stricken.

Rule 9.210(a)(1) requires that a brief contain a cover sheet that must state the name of the court, the style of the cause, including the case number if assigned, the lower tribunal, the party on whose behalf the brief is filed, the type of brief, and the name, address, and e-mail address of the attorney filing the brief. The Initial Brief does not have a cover sheet at all.

Rule 9.210(b) sets forth the requirements of a brief's contents. Rule 9.210(b)(1) requires a table of contents. The Initial Brief does not have a table of contents.

Rule 9.210(b)(2) requires a table of citations with cases listed alphabetically, statutes and other authorities, and the pages of the brief on which each citation appears. The Initial Brief does not contain a table of citations (it does cite one New York law, and six New York cases).

Rule 9.210(b)(3) requires a statement of the case and facts. The Initial Brief does not contain a statement of the case and facts.

Rule 9.210(b)(4) requires a summary of argument, suitably paragraphed. The Initial Brief does not contain any summary of argument.

Rule 9.210(b)(5) requires "argument with regard to each issue, with citation to appropriate authorities, and including the applicable appellate

standard of review.” The Initial Brief does not comply with this requirement.

Rule 9.210(b)(8) requires a certificate of compliance. The Initial Brief does not contain a certificate of compliance.

This Court has stricken briefs which do not conform to Rule 9.210, even if filed by *pro se* appellants. See Greenfield v. Westmoreland, 156 So. 3d 1, 2 (Fla. 3d DCA 2007) (striking brief filed by pro se litigant for non-compliance with Rule 9.210). See also Plumer II v. U.S. Bank Nat'l Ass'n, 231 So. 3d 512, 513 (Fla. 3d DCA 2017) (“pro se parties are obligated to abide by the appellate rules.”). This Court has also dismissed appeals entirely for repeated non-compliance. See Rodriguez v. Bank of New York Mellon, 353 So. 3d 12 (Fla. 3d DCA 2021) (dismissing appeal for failure to comply with Rule 9.210 after multiple warnings).

The Initial Brief also contains exhibits, rather than citations to the record, which is not permitted under the Florida Rules of Appellate Procedure.

In addition, it appears that on November 5, 2024, the Appellants filed a document title “Appellants File Their Revised Amended Case.” Then on November 18, 2024, the Appellants filed a letter to the Court accompanied by a document titled “Appellants Revise Their Initial Case.” In each of these filings, the Appellants also attach exhibits, some of which are not in the

record at all. In the latest of these filings, the Appellants state: “I can’t be proper, I can’t read the formats formatting, I can’t follow, i.e., read & follow the rules and I don’t know if time will solve this issue. I can’t say more, the balls in your court, kick me out or give me a break, I’m not being disrespectful but at this moment it appears I could care less.”

To the extent that the latter two filings reflect an attempt to amend the Initial Brief, they should be stricken because the Appellants did not move to amend their Initial Brief. Further, the two later filings are also subject to be stricken for the same reasons as the Initial Brief—their failure to comply with Rule 9.210.

WHEREFORE, the Appellees respectfully request that the Court enter an order striking the Initial Brief, as well as the Appellants’ November 5, 2024 and November 18, 2024 filings, for failure to comply with Rule 9.210, and for other and further relief as this Court may deem just and appropriate.

I HEREBY CERTIFY that on November 26, 2024, the foregoing motion was emailed and mailed to those in the service list.

Respectfully submitted,

s/ Christopher B. Spuches
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