

THIRD DISTRICT COURT OF
APPEAL, STATE OF FLORIDA

CASE NO. 3D24-1234

LT. NO. 2020-4641-CP-02

Eva Maria Anderson, *et al.*

Appellant(s),

v.

Maria McGowan, *et al.*

Appellee(s).

_____ /

**APPELLANT'S RESPONSE TO RESPONSE TO
COURT'S ORDER TO SHOW CAUSE DATED JULY 15, 2024**

Appellant, Eva Maria Anderson, by and through undersigned counsel, hereby responds to the Court's Order to show cause entered on July 15, 2024 (the "Order to Show Cause").

Appellant would show this Court that the nature of the balance of the subject multipart probate court order is in part reviewable and in part not reviewable.

The reviewable provisions.

The probate court's order is a final order as to decretal provisions 2, 3, 4 and 5 as it represents a final order terminating Anderson's April 29, 2024

Adversary Complaint in its entirety, leaving no further judicial labor thereon. This section of the Order is a “final” order striking as “sham” Appellant’s “Adversary Complaint”¹ which sought to (i) establish a lost will pursuant to Probate Rule 5.025(a); (ii) to remove the existing personal representative and (iii) to appoint the Appellant as the personal representative. Such an order is expressly appealable pursuant to Rule 9.170(b)(3) & (6), Fla. R. App. P. (2024).² The Adversary Complaint is attached hereto as **Exhibit A**.

Decretal provision 9 of the Order – purporting to bar the Appellant from making any further filings - is a type of enforcement of the foregoing and confirms the finality of the Probate Court’s ruling on the adversary petition and should be reviewable in conjunction therewith or as an alternative petition for certiorari.

¹ A lost will petition is to be administered pursuant to Rules of Civil Procedure as nearly as possible. Fla. Prob. R. 5.025(d)(2).

² See also Walters v. Edwards (In re Estate of Walters), 700 So. 2d 434, 435 n.1 (Fla. Dist. Ct. App. 1997): “Because the order is a final order on a petition to construe a will that finally determined the personal representative’s obligation, we review this as a final appeal. If the sole issue had been Edwards’ rights under the will, we would have concluded that the order was not appealable because the parties advised us at oral argument that there may be further probate proceedings regarding Edwards’ rights to estate assets. Rule 9.110(a)(2) of the Florida Rules of Appellate Procedure, added in 1997, provides for appellate review of orders in probate matters that finally determine a right or obligation of an interested person. See Amendments to the Florida Probate Rules, 683 So. 2d 78 (Fla. 1996)

The non-reviewable provisions.

As to decretal provision 8, the Order is *arguably* reviewable only pursuant to Rule 9.170(b)(23) (permitting review of orders that “grant an award of attorneys’ fees or costs”). The Order below recites that “The Court **Awards** the Personal representative entitlement to attorney’s fees”. Appellant has found no case directly on point as to the intent of this provision, but the differing language used in sub-section (b)(24) [“denies entitlement”] implies that the grant of only entitlement is not reviewable, consistent with non-probate law. See Brito v. Heritage Prop. & Cas. Ins. Co., 276 So. 3d 990 (Fla. 3d DCA 2019)(“We do not review the order on the Insurer’s entitlement to attorney’s fees and costs, both because (a) no award amount was fixed, see Diaz v. Citizens Prop. Ins. Corp., 227 So. 3d 735, 736 (Fla. 3d DCA 2017)(provision of a final judgment finding an entitlement to attorney’s fees, but not fixing the amount, not ripe for review), and (b) the order is rendered moot following our reversal of the amended final summary judgment”).

Abatement.

The appellate rules suggest that Appellants’ Motion to Vacate and/or for Reconsideration and/or for Rehearing³ of the probate court’s order tolls

³ Exhibit B hereto.

rendition of the Order on review. See Rule 9.020(h)(1)(B) & (C), Fla. R. App. P. Appellant has essentially sought Rule 1.530, Fla. R. Civ. P. type relief as to sections 2, 3, 4, 5 and 9 directly and as to sections 6 and 7 indirectly (in that the reversal of the order striking the Adversary Complaint would suggest that the petition to distribute should also be, at the very least, temporarily vacated).

Pursuant to Rule 9.020(h)(2)(c), Fla. R. App. P. where a notice of appeal is filed before rendition of an order disposing of the last of the motions that suspend “rendition” of these final order(s), “the appeal must be held in abeyance until the motions are either withdrawn or resolved by the rendition of an order disposing of the last such motion.”

Appellant recognizes that a motion for rehearing does not toll the rendition of an order considered “non-final” and that sections 6 and 7 of the order attached to the Amended Notice of Appeal are considered appealable “non-final” orders pursuant to Rule 9.130(a)(3)(c)(ii), however it appears that these sections of the Order are intended to be part of a final disposition of the entire probate case as there is little else to do but close the case. The motion was timely pursuant to Rule 1.530(b) and (g).

WHEREFORE, Appellant requests that the Order to Show cause be discharged and Appellant will notify the Clerk of this Court upon the rendition

of an order granting or denying the Appellants' pending Motion to Vacate and/or for Reconsideration and/or for Rehearing.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy has been filed, served, and furnished to

Donna Greenspan Solomon, Esq.
Solomon Appeals, Mediation & Arbitration
901 South Federal Highway,
Suite 300 Ft. Lauderdale, FL 33316
Donna@solomonappeals.com

via the Florida Courts e-Filing Portal this 24th day of July 2024.

/s/ Scott Alan Orth

SCOTT ALAN ORTH, ESQ.

Florida Bar No. 436313

LAW OFFICES OF SCOTT ALAN ORTH, P.A.

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

PROBATE DIVISION

Case No. 2020-004641-CP-02

IN RE:

QUINTERO, MARIO,

Deceased.

EVA MARIA ANDERSON,

v.

MARIA MCGOWAN as intestate heir and
Personal Representative, DEBORAH
SPARKMAN, as intestate heir, and
LUKE SPARKMAN, as will beneficiary.

**ADVERSARY COMPLAINT FOR
(A) PETITION ESTABLISH AND PROBATE LOST OR DESTROYED (2017) WILL,
AND (B) REMOVAL OF PERSONAL REPRESENTATIVE
AND ASSOCIATED RELIEF**

Petitioner, EVA MARIA ANDERSON, for herself and for the benefit of other will beneficiary (Luke Sparkman), requests that the Court: invoke or declare that the Rules of Civil Procedure apply to this Adversary; determine a method of service on all parties; and that a trial be set on this Complaint/Petition, and alleges:

BACKGROUND AND FACTS

1. Petitioner has an interest in the above estate as a named devisee of the Decedent's real estate in the Will of the decedent, Mario Quintero.
2. Petitioner's address is 1087 SE Kirk Street, Stuart, FL 34997.

3. The name and office address of Petitioner's attorney is:

Scott Alan Orth, Esq.
Law Offices of Scott Alan Orth, P.A.
3860 Sheridan Street, Suite A
Hollywood, FL 33021

4. Petitioner is the step-granddaughter of the decedent.
5. Luke Sparkman has an interest in the residual assets of this estate under the Will.
6. Decedent Mario Quintero whose last known address was 2775 NW 31st St, Miami, Florida 33142 and whose social security number is [unknown], died on October 16, 2020. At the time of his death, Mr. Quintero was domiciled in Miami-Dade County, Florida.

COUNT I
ESTABLISHMENT AND PROBATE OF LOST OR DESTROYED 2017 WILL

Petitioner realleges paragraphs 1 to 6 in this Count I.

7. On or about October 27, 2017 the decedent executed, published and declared a written instrument as his last will before OLGA SUAREZ and VINCENZO MAURICI as witnesses and YBELICE GARZARO, as notary (the "2017 Will").
8. Olga Suarez, Vincenzo Maurici and Ybelice Garzaro witnessed the 2017 Will and signed the Will in the presence of each other and the decedent and a self-proving certification was executed by the parties.
9. At the same time these same will witnesses and notary witnessed Isela Quintero execute her reciprocal will, and Isela signed her will and it was also duly witnessed.
10. Ybelice Garzaro is a former attorney in Venezuela who, after moving to Florida, worked as a paralegal in an attorneys' office in Miami where she regularly prepared wills and supervised will executions.
11. Isela Quintero passed away on November 30, 2018.

12. The original of the 2017 Will was lost or destroyed without the knowledge or consent of the Decedent and without any intent on the part of the Decedent to revoke the instrument.
13. Content of 2017 Will. Attached to and made a part of this petition as **Exhibit A** is, as to content, the exact copy of the 2017 Will¹ which contains and establishes the content of the 2017 Will and the dispositive scheme intended by the decedent: *to-wit*, the real property and its contents were devised to Petitioner, and the remaining assets of the estate go to LUKE MIGUEL SPARKMAN² (Decedent's grandson) as residuary legatee.
14. The terms of the instrument attached as Exhibit A is the Will of the Decedent.
15. No other will of the decedent has been found, located, filed or deposited with the Clerk of the Courts.
16. The 2017 Will was duly executed and witnessed by three witnesses. The 2017 Will was declared and the execution thereof was witnessed consistent with Florida law by Olga Suarez, Vincenzo Maurici and Ybelice Garzaro.
17. Olga Suarez was a person who worked in the home of Isela and Mario Quintero. Ms. Suarez has testified under oath to the circumstances of the 2017 Will's execution by Mr. Quintero in her presence and in the presence of three other individuals, Vincenzo Maurici, Ybelice Garzaro and Isela Quintero. The transcript of Ms. Olga Suarez's testimony is attached hereto as **Exhibit B**.
18. Olga Suarez has no interest under the 2017 Will.

¹ This document was produced by the Will scrivener from her computer records pursuant to a subpoena.

² To date, no notice in this case has been served on Luke Sparkman. Nor, has his address been listed in the case. Mr. Sparkman should be joined to this proceeding as either a co-plaintiff or an interested party.

19. Vincenzo Maurici has testified under oath that he also witnessed the signing of the 2017 Will by Mario Quintero in the presence of Olga Suarez, Isela Quintero and Ybelice Garzaro. The transcript of Mr. Vincenzo Maurici's testimony is attached hereto as **Exhibit C**.
20. Vincenzo Maurici has no interest under the 2017 Will.
21. Additionally, Ybelice Garzaro has testified under oath as follows:
 - a. She was contacted by Mario Quintero for wills for himself and his spouse;
 - b. Mr. Quintero described his and his wife's intent;
 - c. In accordance with this intent, she created reciprocal³ wills for Isela Quintero and Mario Quintero at their request on her computer word-processing system;
 - d. She sent these drafts of the wills to the Quinteros for review before scheduling an appointment to execute same;
 - e. She received word that the "drafts" were acceptable;
 - f. She travelled to the Quintero's home with the will witnesses (Suarez and Maurici), whereupon she went over the contents of the wills with both of them in person;
 - g. She personally witnessed Isela Quintero and Mario Quintero execute their respective Wills at their home in the presence of Olga Suarez and Vincenzo Maurici who both signed the 2017 Wills;
 - h. She is and was a notary at the time of the signing and she signed where indicated as notary;
 - i. Because the 2017 Wills' execution event was at the testators' personal home, no copy of the executed Wills were made (the Quinteros (then in their 80's) did not

³ The wills granted each other all the property of the couple, if living, and, if not, to Eva Anderson and Like Sparkman.

have a copy machine);

- j. The computerized version of the 2017 Will was not altered before execution; and
- k. She advised the Quinteros to make a copy of the 2017 Wills for their granddaughter and to keep the original in a safe place.

A copy of the deposition transcript of Ybelice Garzaro's testimony is attached hereto as

Exhibit D.

- 22. Ybelice Garzaro is disinterested in this estate.
- 23. The persons who, but for the 2017 Will, would be entitled to the property devised are the following who claim to be the heirs at law of the Decedent:

NAME	ADDRESS	RELATIONSHIP	DATE OF BIRTH, IF MINOR
Maria McGowan	2775 NW 31 St. Miami, FL 33142	Daughter	N/A
Deborah Sparkman	1607 SE Pinewood Tr Port St. Lucie, FL 34952	Daughter	N/A

- 24. There is no provision for Ms. McGowan and Ms. Sparkman in Decedent's will.
- 25. Venue of this proceeding is in this county because Decedent was domiciled in Miami-Dade County at the time of his death.
- 26. A petition for administration has already been filed by Marie McGowan, the decedent's daughter, and a waiver of priority consent and notice has been filed by Deborah Sparkman, the decedent's daughter. They will be served with formal notice of this matter.

WHEREFORE, Eva Maria Anderson, upon the trial of this matter, having proved the content and execution of the 2017 Will, respectfully requests that the Court admit the 2017 Will to probate herein and enter an order establishing the last Will of Mario Quintero reciting and preserving the

full and precise terms and provisions of that 2017 Will as contained in Exhibit A, and admitting it to probate.

COUNT II
TO APPOINT EVA MARIA ANDERSON AS PERSONAL REPRESENTATIVE

Petitioner realleges paragraphs 1 to 26 in this Count II.

27. Petitioner Eva Maria Anderson is qualified to serve as personal representative of the

Decedent's estate because:

- a. Decedent named Eva Maria Anderson as the personal representative in the Will;
- b. Eva Maria Anderson has not been convicted of a felony, is mentally and physically able to perform the duties of personal representative, is 18 years of age or older, and is a resident of Florida;
- c. Eva Maria Anderson was related to the Decedent as the Decedent's STEP-GRANDDAUGHTER; and
- d. Eva Maria Anderson is qualified to serve as personal representative under the provisions of Florida Statutes, Section 733.304.

28. The nature and approximate value of the assets in this estate are:

NATURE OF ASSETS		APPROXIMATE VALUE
Real estate located at: 2775 NW 31 St. Miami, FL 33142		\$350,000.00 ⁴
Contents of house		Unknown
Wells Fargo Bank Account		\$ 48,000.00
Safe deposit box contents – Wells Fargo		0
2017 Toyota Camry		unknown

29. This estate will not be required to file a federal estate tax return.

⁴ At the time of death.

30. There are no known ancillary probate proceedings in another state or country.
31. The Will waives the filing of bond by the personal representative.
32. The affidavit of Petitioner, Eva Maria Anderson is being filed simultaneously herewith in support of this petition.

WHEREFORE, Petitioner requests that an order be entered appointing Eva Maria Anderson as personal representative of the estate of the decedent and that bond be waived.

COUNT III
**REMOVAL OF MCGOWAN AS PERSONAL REPRESENTATIVE,
AND CONSEQUENTIAL RELIEF**

Petitioner realleges paragraphs 1 to 32 in this Count III.

33. Based on the admission of the reestablished 2017 Will to probate and based on Fla. Stat. §733.208 and Florida Probate Rules 5.109(2) and 5.100:
 - a. McGowan must be removed as personal representative;
 - b. The Letters of Administration dated May 6, 2021 should be revoked;
 - c. McGowan should account for any property administered by her (if any);
 - d. The Order determining homestead (dated September 8, 2021) must be vacated to the extent that it found that the Testator died intestate, should be vacated.
34. Florida law allows the admission of a lost will despite a prior probate or intestate proceedings. Fla. Stat. §733.207 and Florida Probate Rule 5.270(b).
35. This necessarily gives the Court the legal and equitable power to “undo” the orders and acts while the prior administration was “proceeding.”

WHEREFORE, Petitioner respectfully requests that orders be entered: (a) removing McGowan as the Personal Representative; (b) revoking the Letters of Administration dated May 6, 2021; (c) ordering McGowan to account for any property administered; and (d) vacating the

order determining homestead, to the extent it determined that Mr. Quintero died “intestate.”

Dated this 29th day of April, 2024.

/s/ Scott Alan Orth, Esq.

SCOTT ALAN ORTH, ESQ.

Florida Bar No. 436313

Attorney for Interested Party/Will Beneficiary,

Eva Maria Anderson

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service@orthlawoffice.com (primary)

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OF

MARIO QUINTERO

BE IT KNOWN that I, **MARIO QUINTERO**, a resident of Miami-Dade County, Florida, being of sound mind and memory, in full possession of my faculties, and capable of disposing judgment realizing as I do the uncertainty of life, do make, declare and ordain, and by these presents have made, declared and ordained this to be my Last Will and Testament, hereby revoking any and all testamentary dispositions heretofore made by me.

FIRST: I hereby direct that all my just debts, funeral expenses, and costs of administration be paid by my personal representative without unnecessary delay, and that my remains shall be laid to rest in a manner suitable to my circumstances in life. I have make provisions with Memorial Plan at this effect.

SECOND: I hereby give, devise and bequeath all of my property, whether real, personal, or mixed, of every kind and character whatsoever and wheresoever the same may be located to my beloved wife **ISELA QUINTERO**, only she if survives me.

In the event my beloved wife **ISELA QUINTERO**, shall predecease me or we shall die as a result of a common disaster, then in that event only, I do hereby give, devise and bequeath my house and its contents located at 2775-77 NW 31st Street Miami FL to my beloved Granddaughter, **EVA MARIA ANDERSON**, absolutely. The rest of my property, personal, or mixed, of every kind and character whatsoever and wheresoever the same may be located to my beloved Grandson, **LUKE MIGUEL SPARKMAN**, absolutely.

THIRD: I hereby nominate, constitute and appoint my beloved Granddaughter, **EVA MARIA ANDERSON**, to act as Personal Representative of this my Last Will and Testament, directing that no bond or surety of any kind or character shall be required of her.

FOURTH: I hereby authorize and empower my Personal Representative herein named, if and whenever, in the settlement of my estate, my Personal Representative shall deem it necessary, at the discretion of said person, to sell the whole or any part of my property, whether real, personal or mixed, at public or private sale, and to execute and deliver all deeds, instruments of transfer and other writings necessary to pass the proper title thereto. This power shall be deemed discretionary and not mandatory.

IN WITNESS WHEREOF, I have signed, sealed, published and declared this instrument to be my Last Will and Testament, in the County of Miami-Dade, State of Florida, on this ____ day of October 2017

MARIO QUINTERO, Testatrix

THE FOREGOING INSTRUMENT was, on this ____ day of October 2017, signed by **MARIO QUINTERO**, and declared by him to be his Last Will and Testament, in the presence of us and each of us, who, at his request, and in his presence, and in the presence of each other, have signed the same as witnesses thereto.

Witness of

Witness of

STATE OF FLORIDA)
 :ss
COUNTY OF MIAMI-DADE)

We, **MARIO QUINTERO**, Testatrix, **OLGA SUAREZ** and **VINCENZO MAURICI**, the witnesses, respectively, whose names are signed to the foregoing instrument, being first duly sworn, do hereby declare to the undersigned officer that the Testator signed voluntarily, and that each of the witnesses, in the presence of each other, signed the Will as a witness, and that to the best of the knowledge of each witness, the Testator was, at that time, eighteen or more years of age, of sound mind and under no constraint or undue influence.

MARIO QUINTERO, Testatrix

Witness

Witness

SWORN TO and SUBSCRIBED before me this ____ day of October 2017, an officer duly authorized in the State aforesaid in the County aforesaid to take acknowledgements, personally appeared **MARIO QUINTERO**, Testator, and **OLGA SUAREZ** and **VINCENZO**

MAURICI the witnesses, respectively, who executed the foregoing instrument and they acknowledge before me that they executed the same, and:

- Person is personally known to me.
- Produced Florida Driver License
- Produced as identification _____

WITNESS my hand and official seal in the county and state aforesaid.

NOTARY PUBLIC, State of Florida at Large
By Commission Expires:

LAST WILL & TESTAMENT Mario quintero Properties

General Security Details Previous Versions

Property	Value
Scale	
Links dirty?	
Language	
File	
Name	LAST WILL & TESTAMENT Mario ...
Type	Microsoft Office Word 97 - 2003 Do...
Folder path	C:\Users\User\Documents
Date created	10/26/2017 1:43 PM
Date modified	10/26/2017 1:43 PM
Size	35.5 KB
Attributes	A
Availability	
Offline status	
Shared with	
Owner	DESKTOP-209JQIU\User
Computer	DESKTOP-209JQIU (this PC)

[Remove Properties and Personal Information](#)

OK

Cancel

Apply

LAST WILL & TESTAMENT Mario quintero Properties

General Security Details Previous Versions



LAST WILL & TESTAMENT Mario quintero

Type of file: Microsoft Office Word 97 - 2003 Document (.doc)

Opens with: Microsoft Office Word Change...

Location: C:\Users\User\Documents

Size: 35.5 KB (36,352 bytes)

Size on disk: 36.0 KB (36,864 bytes)

Created: Thursday, October 26, 2017, 1:43:12 PM

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

CASE NO. 2020-004641-CP-02

IN RE:

MARIO QUINTERO,

Deceased.

-----/

DEPOSITION OF: OLGA SUAREZ
DATE: JUNE 28, 2021
TIME: 1:30 P.M. - 2:20 P.M.
PLACE: VIA REMOTE CONFERENCING

REPORTED BY: SUSAN FEINBERG,
PROFESSIONAL COURT STENOGRAPHER
NOTARY PUBLIC, STATE OF FLORIDA

1 APPEARANCES:

2 SCOTT ALAN ORTH, ESQ.
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9 COUNSEL APPEARING FOR CAVEATOR, EVA MARIA ANDERSON

10 JAMY ERNST BARREAU, ESQ.
11 THE PROBATE LAW FIRM
12 1395 BRICKELL AVENUE
13 SUITE 800
14 MIAMI, FLORIDA 33131-3302
15 (305)456-3255
16 JAMY@PROBATEFIRM.COM

17 ALSO PRESENT:

18 LUCILLE GRENET, SPANISH TRANSLATOR
19 YBELICE GARZARO
20 IBI GARZARO

21

22 * * * * *

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I N D E X

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2		
3	WITNESS:	
4	OLGA SUAREZ	
5		
6	DIRECT EXAMINATION	4
7	By Mr. Orth	
8		
9	CROSS EXAMINATION	15
10	By Mr. Barreau	
11		
12	REDIRECT EXAMINATION	16
13	By Mr. Orth	
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- - -

1 COURT REPORTER: The attorneys participating
2 in this deposition acknowledge that I, the court
3 reporter, am not present with the witness and that I
4 will be reporting the proceedings and administering the
5 oath remotely. This arrangement is pursuant to the
6 Florida Supreme Court Administrative Order Number
7 AOSC-20-16 and extended by AOSC-20-17.

8 The parties and their counsel consent to this
9 arrangement and waive any objections to this manner of
10 reporting.

11 Please indicate your agreement by stating your
12 name and your agreement on the record.

13 MR. ORTH: Scott Orth. I agree.

14 MR. BARREAU: Jamy Barreau, and I agree.

15 Thereupon,

16 OLGA SUAREZ,

17 having been first duly sworn remotely, was examined and
18 testified as follows:

19 DIRECT EXAMINATION

20 BY MR. ORTH:

21 Q. Can I have your license number and date of issue
22 from your Driver's License, please?

23 A. S620-653-52-61-0.

24 Q. And the date of issue?

25 A. 04-11-2014.

1 Q. Ms. Suarez, who is there with you in the room?

2 A. My daughter.

3 Q. What is her legal name?

4 A. Ibi Garzaro.

5 Q. Please spell the first and last name.

6 A. I-B-I, G-A-R-Z-A-R-O.

7 Q. Does Ibi live with you?

8 A. Yes.

9 Q. How long have you lived in Florida?

10 A. I lived in Florida around from '79 -- No, from
11 '71.

12 Q. Okay.

13 A. '71.

14 Q. And you seem to be answering the questions
15 without translation. Are you fluent in English?

16 A. No, no, I would prefer Spanish.

17 Q. Then I am going to ask you to wait for the
18 translation of each question.

19 A. Okay.

20 Q. Do you understand the nature of the oath that
21 you took at the commencement of this deposition?

22 A. Yes.

23 Q. And do you understand that your testimony today
24 is just like as if you were in front of a judge in
25 court?

1 A. Yes.

2 Q. How do you know Ybelice Garzaro?

3 A. She is my daughter.

4 Q. Ybelice Garzaro is your daughter?

5 A. Yes.

6 Q. Okay. When was she born?

7 A. I don't remember, but she is 52 years old.

8 Q. Okay. And has she ever been married, your
9 daughter?

10 A. Yes.

11 Q. Who was her first husband?

12 MR. ORTH: Hold on. The witness needs to be
13 apprised that she cannot receive instructions or ask for
14 instructions from someone else in the room with her
15 which she is obviously doing.

16 Q. So do you know of your own knowledge the first
17 husband of your daughter Ybelice?

18 A. Francis Holden.

19 Q. I think it is H-O-L-D-E-N; is that correct?

20 A. Uh-huh.

21 Q. And do you see Mr. Holden from time to time?

22 A. Yes.

23 Q. Okay. You are still friendly with him?

24 A. Yes.

25 Q. Is he your lawyer?

1 A. Yes.

2 Q. Okay. Without telling me anything that he said,
3 what matters does he represent you in?

4 A. When I purchased homes.

5 Q. Okay. And Mr. Holden is divorced from your
6 daughter; is that correct?

7 A. Yes.

8 Q. Okay. And what is your daughter's current
9 husband's name?

10 A. Vincenzo.

11 Q. Do you know of Vincenzo Maurici?

12 A. Yes.

13 Q. Is that the legal name of your daughter's
14 current husband?

15 A. Yes.

16 Q. Okay. Do you know why you are here today?

17 A. Yes.

18 Q. Why?

19 A. As a witness for Mr. Quintero.

20 Q. Okay. And you are referring to Mario Quintero?

21 A. Yes.

22 Q. And how long did you know Mr. Quintero before he
23 passed away?

24 A. I don't quite remember, but I believe it is
25 between two-and-a-half to three years.

1 Q. How did you meet him?

2 A. I would cook both for him and his wife.

3 Q. His wife is Isela?

4 A. Yes.

5 Q. Okay. And how were you introduced to them?

6 A. Their daughter Maria is a friend of mine now for
7 many years.

8 Q. What is Maria's full name?

9 A. Maria Bello.

10 Q. B-E-L-L-O?

11 A. Uh-huh. Correct.

12 INTERPRETER: Excuse me. Can we try to get a
13 yes or no? May I instruct her, please?

14 MR. ORTH: Yes, ma'am. Try to say yes or no
15 instead of uh-huh or uh-uh because the court reporter
16 needs to take it down accurately, your answers, and that
17 would help us. Okay? Thank you.

18 Q. Okay. Did there come a time when Isela and
19 Mario asked you to recommend to them someone to make a
20 will?

21 MR. BARREAU: Objection.

22 A. Yes.

23 Q. And who did you recommend to them for a will?

24 A. My daughter.

25 Q. Okay. And your daughter made wills for other

1 people before?

2 A. Yes.

3 Q. Okay. Did your daughter help you make a will?

4 A. Uh-huh, yes.

5 Q. Okay. And what happened next after they asked
6 you for recommendations?

7 A. She told me to call her up so that she could
8 come over to explain to them everything about the will,
9 so she went.

10 Q. Okay. And before Ybelice went to their house to
11 explain to them about the will, what did you understand
12 that Mario and Isela wanted?

13 MR. BARREAU: Objection.

14 A. I don't know.

15 Q. Okay. Did Ybelice come to the house of Mario
16 and Isela while you were there?

17 A. Yes.

18 Q. Okay. And how long were they all together?

19 A. About two hours.

20 Q. Was there a second meeting to your knowledge?

21 A. Yes.

22 Q. Okay. And how long was the second meeting?

23 A. An hour and a half to two hours, give or take
24 some.

25 Q. And at either one of these first two meetings,

1 do you know if a will was signed by Mario and Isela?

2 A. Yes.

3 Q. Okay. And were you asked to be a witness to the
4 will?

5 A. Yes.

6 Q. Okay. And who else was present at that time?

7 A. My daughter, my daughter's husband Mario and
8 Isela.

9 Q. I want to be very specific. Was it Vincenzo
10 that was there or Francis Holden that was there?

11 A. Vincenzo.

12 Q. Thank you. Sorry for the break. I needed to
13 check my notes.

14 Do you remember a Nancy DeValle being present as
15 well at either of the two meetings?

16 A. No.

17 Q. Okay. And when you signed the will as witness,
18 did you get a copy?

19 A. No, we gave it to them.

20 Q. Okay. When you say them, you mean Mario and
21 Isela?

22 A. Yes.

23 Q. Okay. And do you know what they did with the
24 will after you signed it?

25 MR. BARREAU: Objection.

1 A. No.

2 Q. Okay. Do you know anyone else that provided
3 care for Isela and Mario?

4 MR. BARREAU: Objection.

5 A. A woman would come over to bathe her in the
6 mornings, but I do not know her.

7 Q. Okay. Was her name Megaly (phonetic)?

8 A. I don't remember.

9 Q. Okay.

10 A. But she would come through an agency.

11 Q. Okay. Did you ever accompany Isela or Mario to
12 the bank?

13 A. No.

14 Q. Did either of them ever speak about their safety
15 deposit box?

16 MR. BARREAU: Objection.

17 A. No.

18 Q. And do you specifically remember putting pen to
19 paper to sign the will at that second meeting?

20 A. Of course.

21 Q. And what year was it approximately that that was
22 done?

23 A. I believe it was either 2020 or 2019. I don't
24 really remember.

25 Q. One moment, please. All right. I am going to

1 share a screen. Up on the screen, ma'am, is the first
2 page of the last will of Mario Quintero. Do you see
3 that?

4 THE WITNESS: Well, let me try to see.

5 INTERPRETER: May I ask to make it a little
6 bigger because it is illegible for her?

7 MR. ORTH: Is that better?

8 THE WITNESS: Yes, a little bit, yeah.

9 A. Well, I am sure that the grandson, he would be
10 someone. However, Eva Maria Anderson. I don't know her
11 by name because I would know her as T-I-T-I, but I don't
12 know her name.

13 Q. Okay. Does this look like the will that you saw
14 when Mario was signing it?

15 A. It seems like it is, yes.

16 Q. Okay. And on the third page -- It is a long
17 paper, so I have to scroll. But on the second page,
18 also a signature of Mario. I can make it a little
19 bigger if you need.

20 A. No, it is okay like that.

21 Q. Okay. And does Mario sign?

22 A. Yes.

23 Q. Okay. This copy has your name right here. I am
24 going to put it in the middle of the document for you.
25 It looks like it has your name where I am highlighting,

1 Olga Suarez?

2 A. Yes.

3 Q. It also has Vincenzo Maurici's name. Is this
4 the Vincenzo that is husband of Ybelice?

5 A. Yes.

6 Q. Okay. And this document that we were given a
7 copy of has a date of October 2017. You see where I am
8 highlighting it?

9 A. Yes.

10 Q. Is that approximately the date that you saw
11 Mario sign the will?

12 MR. BARREAU: Objection.

13 A. Yes. I don't remember.

14 Q. In October 2017, were you cooking for Isela and
15 Mario Quintero?

16 A. I don't remember.

17 Q. When did you begin cooking for Isela and Mario
18 Quintero?

19 A. I don't remember.

20 Q. When was the last date that you cooked for
21 Mario?

22 A. I don't remember.

23 Q. Did Isela and Mario pay you to help out at the
24 house?

25 MR. BARREAU: Objection.

1 A. Yes.

2 Q. Did they pay you by check or cash or some other
3 way?

4 A. Cash.

5 Q. Okay. Now was Vincenzo in the room with you
6 when Mario signed the will?

7 A. Yes.

8 MR. ORTH: Okay. I am going to take a break for
9 five minutes, and then I am going to check my notes. We
10 will try to finish up. Okay?

11 THE WITNESS: Okay. That's fine.

12 (Recess is taken.)

13 Q. Just a couple followup questions. Ms. Suarez,
14 the person that you referred to as Titi, how was she
15 related to either Mario or Isela?

16 A. She would be Maria Bello's daughter and Isela's
17 granddaughter.

18 Q. Did there ever come a time after this occasion
19 when you and Vincenzo saw Mario and Isela, that you saw
20 them sign a second will?

21 A. No.

22 Q. Okay. Did you ever see Mario sign a will before
23 this will?

24 A. No.

25 MR. ORTH: I tender the witness for cross

1 examination.

2 MR. BARREAU: Thank you.

3 CROSS-EXAMINATION

4 BY MR. BARREAU:

5 Q. Good afternoon, Ms. Suarez.

6 A. Good afternoon.

7 Q. Thank you for your time this afternoon. I just
8 have a few questions for you. You mentioned that your
9 daughter's name is Ybelice?

10 A. Uh-huh, yes.

11 Q. What does your daughter do for a living?

12 A. Well, she does immigration papers.

13 Q. Is she an attorney?

14 A. Well, in my country, she is an attorney; but
15 here, she's a paralegal.

16 Q. And what is your country?

17 A. I am Cuban.

18 Q. Thank you. Ms. Suarez, I know you seem to
19 understand a little bit of the English. Could you read
20 any English?

21 A. A little bit.

22 Q. So when you said that you signed this will as a
23 witness, when you signed, did you read the will ahead of
24 time?

25 A. Yes.

1 Q. And did you understand what you were reading
2 before you signed?

3 A. Yes.

4 Q. Do you remember what the will was trying to
5 accomplish?

6 MR. ORTH: Object to form.

7 INTERPRETER: The answer was which of the two
8 questionmarks? Which of the two?

9 MR. BARREAU: I will rephrase the question.

10 Q. Do you recall to whom Mario Quintero was trying
11 to leave his property?

12 A. No, the property would have been for Maria's
13 granddaughter -- Well, I mean, Isela's granddaughter.

14 Q. And could you please just confirm, do you recall
15 actually signing the document?

16 A. Yes.

17 Q. And the copy of the will that Mr. Orth showed
18 you, do you recall seeing your signature on that
19 document?

20 A. No.

21 MR. BARREAU: Thank you. I have no further
22 questions.

23 REDIRECT EXAMINATION

24 BY MR. ORTH:

25 Q. One followup, please. Ms. Suarez. Do you know

1 what happened to the page that you had actually put your
2 signature on?

3 A. I don't know.

4 MR. ORTH: Okay. Thank for your time. We
5 appreciate it. I am glad you were able to get the
6 computer to work. Thank you very much, Ms. Suarez.

7 COURT REPORTER: Read or waive?

8 MR. ORTH: The court reporter has reminded me
9 that you have the right, if this verbal testimony is
10 typed up onto paper, to read and to verify that the
11 court reporter took down properly my questions and your
12 answers; or you can waive the right to read and rely on
13 Ms. Grenet to have accurately reported the deposition.
14 It is your right to read or waive.

15 THE WITNESS: I waive.

16 MR. ORTH: I will order regular delivery.

17 COURT REPORTER: Jamy, do you need a copy?

18 MR. BARREAU: Yes, I'll take a copy.

19 (The deposition concluded at 2:20 p.m.)
20

21 STIPULATION

22 It is hereby stipulated and agreed by and between
23 counsel present at this deposition and by the deponent
24 that the reading and signing of this deposition is
25 waived.

CERTIFICATE OF OATH

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STATE OF FLORIDA)

COUNTY OF BROWARD)

I, the undersigned authority, certify that
OLGA SUAREZ remotely appeared before me and was duly
sworn.

WITNESS my hand and official seal this 13th day of
July, 2021.



SUSAN A. FEINBERG
Notary Public - State of Florida
My Commission No. GG 343422
Expires: June 16, 2023

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REPORTER'S DEPOSITION CERTIFICATE

STATE OF FLORIDA)
COUNTY OF BROWARD)

I, SUSAN A. FEINBERG, Shorthand Reporter,
certify that I was authorized to and did
stenographically report the deposition of OLGA SUAREZ;
that a review of the transcript was not requested; and
that the transcript is a true and complete record of my
stenographic notes.

I further certify that I am not a relative,
employee, attorney, or counsel of any of the parties,
nor am I a relative or employee of any of the parties'
attorney or counsel connected with the action, nor am I
financially interested in the action.

Dated this 13th day of July, 2021.



SUSAN A. FEINBERG
Notary Public - State of Florida
My Commission No. GG 343422
Expires: June 16, 2023

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

PROBATE DIVISION

CASE NO. 2020-004641-CP-02

IN RE:

QUINTERO, MARIO,

DECEASED.

_____/

VIDEOCONFERENCE DEPOSITION OF VINCENZO MAURICI

DATE: JUNE 30, 2021

REPORTER: JASMIN NUNEZ

PLACE: ALL PARTIES APPEARED VIA VIDEOCONFERENCE

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(Appeared via videoconference)

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(Appeared via videoconference)

1	INDEX	
2		Page
3	PROCEEDINGS	5
4	DIRECT EXAMINATION BY MR. ORTH	6
5	CROSS EXAMINATION BY MR. BARREAU	13
6		
7	EXHIBITS	
8	Exhibit	Page
9	1 - Last Will and Testament document	10
10		
11		
12		
13		
14		
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STIPULATION

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The videoconference deposition of Vincenzo Maurici taken remotely on Wednesday the 30th day of June 2021 at approximately 2:02 p.m. Said deposition was taken pursuant to the Florida Rules of Civil Procedure. It is agreed that Jasmin Nunez, being a Notary Public and Court Reporter for the State of Florida, may swear the witness and that the reading and signing of the completed transcript by the witness is not waived.

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PROCEEDINGS

COURT REPORTER: Okay. Will all parties present please state your appearance, how you are attending, and the location you're attending from?

MR. ORTH: Scott Orth, attorney, for Eva Anderson. I'm attending from Hollywood, Florida, in my offices.

MR. BARREAU: Attorney Jamy Barreau from the Probate Law Firm on behalf of Maria McGowan, from my office in Port Saint Lucie.

COURT REPORTER: Okay. And Mr. Maurici, would you please announce your presence?

THE WITNESS: Yes. Vincenzo Maurici, and I'm -- well. I'm actually in Los Angeles.

COURT REPORTER: Okay, perfect. Thank you. And do all parties agree that the witness is, in fact, Mr. Maurici? I have already checked his ID, but if you need to see that, he can pull that out.

MR. ORTH: I have no doubt as to his identity.

MR. BARREAU: I have no objection to his identity.

COURT REPORTER: Okay. Mr. Maurici, would you please raise your right hand up? Okay. Do you swear or affirm that the testimony you're about to give is the truth, the whole truth, and nothing but

1 the truth?

2 THE WITNESS: Yes.

3 COURT REPORTER: Thank you.

4 DIRECT EXAMINATION

5 BY MR. ORTH:

6 Q Sir, can you state your full legal name for
7 the record -- for the purposes of the record.

8 A Yes. Vincenzo Maurici.

9 Q And where are you a resident of?

10 A Davie, Florida.

11 Q Okay. How long have you lived in Florida?

12 A Six years.

13 Q Okay. And do you know a gentleman by the name
14 of Mario Quintero?

15 A I remember signing a witness for -- a will --
16 I'm sorry. Okay --

17 Q But I'm asking --

18 A -- I had to --

19 Q Okay. Do you know Mr. Mario Quintero?

20 A I saw him that day.

21 Q Okay. Did you know who he was before that
22 day?

23 A No, absolutely not.

24 Q Okay. You had not met him before that day?

25 A No.

1 Q Okay. And who's Olga Suarez?

2 A She is, like -- my wife's mother. Mother-in-
3 law. She's the one that raised her.

4 Q Okay. So your wife considers Olga Suarez to
5 be her -- her mother, if not by birth, by family?

6 A Yes, sir.

7 MR. BARREAU: Objection.

8 Q Is that a fair characterization?

9 A Sorry?

10 Q Is what I said a fair characterization?

11 A Yeah, absolutely. It's, like -- she considers
12 her a mother.

13 Q Okay. And what is your wife's name?

14 A Evalisa Garzaro.

15 Q Can you spell the last name, please?

16 A G-A-R-Z-A-R-O.

17 Q Okay. And how long have you been married?

18 A Three years.

19 Q Okay. What's the date of your marriage?

20 A It's the 8th of June.

21 Q What year?

22 A 2018. '19.

23 MR. ORTH: With COVID, everybody's a year off.

24 THE WITNESS: No, no, forget about it.

25 Q What is your best estimate of your date of

1 marriage to Evalisa?

2 A What is the best -- sorry?

3 Q What is your best estimate of the date that
4 you were married? You gave us two years. I have got to
5 button it down.

6 A No, no, it's three years, and it's the 8th of
7 June, so three years ago -- '21, '20, '19 -- 2018,
8 right?

9 Q Okay.

10 A It means I'm in trouble.

11 Q Okay. In October of 2017, were you living and
12 working in South Florida?

13 A Yes, sir.

14 Q Okay. And -- so do you recall in October of
15 2017, going to Mario Quintero and Elisa [sic] -- Elisa's
16 home?

17 A Yes, I remember going there, and there was
18 Olga; there was my wife; and I remember signing that
19 will. And then honestly, I was busy on the phone and I
20 went outside. And after I signed, I did my witnesses.

21 Q Okay. So did you see and speak to Mario
22 Quintero on that -- at that time?

23 A Wow. Honestly, I do not remember. I cannot -
24 - I cannot say yes or no. But I remember seeing him and
25 did we have a chat? I'm not sure. So I wouldn't -- you

1 know, I can't say yes, so -- but I saw he was there.

2 Q Okay. And when you say "there," do you
3 remember the address?

4 A It was somewhere in Hialeah, I think, that I
5 went to. And -- no.

6 Q Does -- does Northwest 31st Street ring a
7 bell?

8 A I should look -- I should go back and look on
9 my Google Maps timeline, but, like, honestly, I remember
10 it was Hialeah somewhere but not the address.

11 Q Okay. And how did you get to the address that
12 day?

13 A With my wife. With Evalisa Garzaro.

14 Q Okay. You traveled together?

15 A Yes, sir.

16 Q Okay. And was -- do you remember if Olga
17 Suarez was already there when you got there?

18 A I think she was with us in the car.

19 Q Okay. And did you know what the reason was
20 for your traveling to that address on October 2017?

21 A Yeah. My wife told me that we -- I should be
22 the witness for -- for the signing of the will.

23 Q Okay.

24 A They were in our office, so I went with them.

25 Q Okay. And were you introduced to the people

1 that lived there?

2 A Yes, absolutely.

3 Q Okay. And was -- was Elisa Quintero and Mario
4 Quintero both there at the same time?

5 A Yes, they were there. I remember they were
6 sitting at the dining table, and then -- and that's
7 where signed -- I signed. I put my signature on the
8 will.

9 Q Okay. Her name's actually Estella [sic].
10 Estella and Mario Quintero's home. Correct?

11 A I -- yeah. I don't -- I remember Mario, but -
12 - I think I -- yeah, if you say so, Estella. It's --
13 it's fine for me. I totally agree.

14 Q Okay. So I'm going to put a document on the
15 screen. We're going to mark it Exhibit 1. I'm going to
16 put it on the screen that tries to make it the most
17 legible. Do you see a document with a signature blank
18 for Mario Quintero?

19 (EXHIBIT 1 MARKED FOR IDENTIFICATION)

20 A Yes, sir.

21 Q Okay. Is that legible to you, sir?

22 A Yes, I -- it looks like it's his -- well. I
23 mean, it looks like a signature, and I can read "Mario
24 Quintero."

25 Q Okay. Now this --

1 A I (audio cuts out) --

2 Q Okay. Your name is mentioned in typewritten
3 print right below that signature you're looking at and
4 right above another signature. And those -- the
5 sentence reads, "We, Mario Quintero, testatrix, Olga
6 Suarez, and Vincenzo Maurici, the witnesses,
7 respectfully whose names are signed to the foregoing
8 instrument, being first duly sworn, do hereby declare to
9 the undersigned officer that the testator" -- that's Mr.
10 Quintero -- "signed voluntarily, and that each of the
11 witnesses in the presence of each other signed the will
12 as a witness, and that to the best of the knowledge of
13 each witness, the testator was at the time 18 or more
14 years of age, of sound mind, and under no constraint or
15 undue influence." Do you agree with that statement that
16 I have just read?

17 MR. BARREAU: Objection.

18 A Absolutely.

19 Q Do you remember signing one or more copies of
20 the bill?

21 A Yes, I do remember that -- signing.

22 Q So this particular version -- or copy -- which
23 has your name right here again on page 2 of 3, carried
24 over to page 3 of 3 -- the blank for your signature is
25 missing. You see where it says "witness"?

1 A Yes, sir.

2 Q Are you absolutely sure that you signed one of
3 the copies of this at this -- at the same time, the same
4 sitting, with Mario Quintero?

5 MR. BARREAU: Objection.

6 Q You can answer.

7 A Yes, yes, I -- I do remember signing. But I
8 don't see any signature -- my signature there, So --

9 Q Okay.

10 A And if there's a document with my -- my
11 signature, I would recognize it.

12 Q Okay. Do you recall when the meeting started
13 that the will -- a will that looked like Exhibit 1 being
14 on the table?

15 A Honestly, sir, I do not remember.

16 Q Okay. And was the will discussed by the other
17 parties that were there before it was signed by Mr.
18 Quintero?

19 MR. BARREAU: Objection.

20 A I can -- I'm -- I -- no, I don't remember,
21 sir. Honestly, it's quite, you know -- few years ago,
22 and sometimes I forget what I had for breakfast.

23 Q Okay. But to be absolutely certain, on a day
24 in October of 2017, you traveled with others to Mr.
25 Quintero's house for the specific purpose of being a

1 witness to the will. And that you saw Mr. Quintero sign
2 the will, and that you signed a copy of the will at the
3 same time; is that right?

4 A Yes, sir. Confirm.

5 Q And you understand that you're under oath, and
6 that your testimony will be presented to a judge for
7 consideration; is that correct?

8 A Absolutely, sir.

9 MR. ORTH: Okay. I have no further questions.

10 CROSS EXAMINATION

11 BY MR. BARREAU:

12 Q Thank you. Good afternoon, Mr. Maurici. Thank
13 you for your time today. I just have a few questions
14 for you. You mentioned that you were -- that you
15 traveled to Mr. -- I'm so sorry. That you traveled --
16 I'm sorry. I'm having a little technical issue
17 here --

18 MR. ORTH: Quintero. Mario Quintero.

19 Q Thank you. You mentioned that you went to Mr.
20 Quintero's home for a will signing. But you also did
21 mention that you stepped out of the room to take a phone
22 call. Do you recall at which point during the signing
23 you stepped out of the room to take that phone call?

24 A I remember signing, and then like -- I -- I
25 don't know, five, ten minutes after, I stepped outside

1 to -- to get a work phone call.

2 Q So did you see Mr. Quintero sign the document?

3 A Yes, yes. Because he signed it, then I
4 remember us signing after.

5 Q And did you see Olga sign the document?

6 A Yes, sir.

7 Q Do you remember if there were any other
8 persons present at the signing?

9 A There was my -- me; there was my wife, Mrs.
10 Evalisa; Olga. There was Mario and his wife. As far as
11 I remember. I don't --

12 Q But you don't recall anyone else being there.

13 A As far as I remember, no, sir.

14 Q How -- do you recall how long the whole event
15 happened -- took place?

16 A An hour, maybe. Honestly, I'm not sure, but
17 -- maybe from an hour, 45 minutes roughly, yeah, but --

18 Q And --

19 A I think so. I'm -- I -- I don't wear a watch,
20 so like, honestly, you know, time is what is given to
21 us, so I don't really pay attention to it.

22 Q I understand.

23 A I mean, it's always, like, limited from God, I
24 mean --

25 Q Of course. And thank you for your candor; I

1 do appreciate that. Now this is really the last
2 question that I have. I know Mr. Orth showed you a copy
3 of the document. Just to confirm, you did not see your
4 signature on that document, correct?

5 A No, I didn't see my signature there. There
6 was my name printed, but I didn't see my signature.

7 MR. BARRAEU: Okay. Thank you. No further
8 questions.

9 THE WITNESS: You're welcome, sir.

10 MR. ORTH: Mr. Maurici, you have the right to
11 read this transcript when it's typed up by the court
12 reporter, or you can waive your right to read it and
13 rely on the court reporter to have accurately taken
14 down our questions and your answers. It's your
15 right to read or waive the reading at this time.

16 THE WITNESS: Read. That's fine. Honest, I --
17 I don't know, like, whatever is the right thing to
18 do. I mean --

19 MR. ORTH: You can reserve reading if you'd
20 like, and then the court reporter will contact you
21 on how that will proceed.

22 THE WITNESS: Okay, yeah. Perfect.

23 COURT REPORTER: Okay.

24 MR. ORTH: All right. The witness has
25 indicated he'll read. Jasmin, I'm ordering.

1 COURT REPORTER: Okay. And, Mr. Barreau, are
2 -- would you like a copy?

3 MR. BARREAU: No, thank you.

4 COURT REPORTER: No? All right. And, Mr.
5 Maurici, do you have an e-mail where we can reach
6 you at?

7 THE WITNESS: Yes.

8 COURT REPORTER: Okay. Go ahead.

9 THE WITNESS: It's -- as my first name,
10 Vincenzo, @mgttotal.com.

11 COURT REPORTER: mgttotal.com?

12 THE WITNESS: Yes.

13 COURT REPORER: Okay. Perfect. All right.

14 MR. ORTH: Thank you, everyone, for your time.
15 I'm sorry that we had to interfere with your travel,
16 and travel safe, sir.

17 THE WITNESS: Thank you. Have a great day, and
18 happy Fourth of July to everyone.

19 COURT REPORTER: Thank you.

20 MR. BARREAU: You as well. Thank you.

21 (DEPOSITION CONCLUDED AT 2:16 P.M.)

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CERTIFICATE OF OATH

STATE OF FLORIDA

COUNTY OF ORANGE

I, the undersigned, certify that the witness in the foregoing transcript personally appeared before me and was duly sworn.

Identification: Produced Identification



JASMIN NUNEZ

Court Reporter, Notary Public

State of Florida

Commission Expires: 07/25/2023

Commission Number: GG 359357

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C E R T I F I C A T E

STATE OF FLORIDA)
COUNTY OF ORANGE)

I, JASMIN NUNEZ, Court Reporter and Notary Public
for the State of Florida at Large, do hereby certify
that I was authorized to and did report the foregoing
proceeding, and that said transcript is a true record of
the said proceeding.

I FURTHER CERTIFY that I am not of counsel for,
related to, or employed by any of the parties or
attorneys involved herein, nor am I financially
interested in said action.

Submitted on: July 12, 2021.



JASMIN NUNEZ

Court Reporter, Notary Public

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E R R A T A S H E E T

DO NOT WRITE ON THE TRANSCRIPT - ENTER CHANGES

IN RE: QUINTERO, MARIO, DECEASED.
CASE NO: 2020-004641-CP-02
DATE: July 12, 2021
DEPONENT NAME: VINCENZO MAURICI

PAGE/LINE	CORRECTION	REASON

(Use other side if necessary)

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated are true.

WITNESS _____ DATE _____

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VINCENZO MAURICI

IN RE: QUINTERO, MARIO, DECEASED.
Deposition of VINCENZO MAURICI

This letter is to advise you that the transcript taken in the above-referenced deposition has been transcribed. Please contact our office at (954)523-5326 to make arrangements to read and sign or sign below to waive review of the transcript.

It is suggested that the review of this transcript be completed within 30 days of your receipt of this letter as considered reasonable under Federal Rules*; however, there is no Florida Statute to this regard.

The original of this transcript has been forwarded to the ordering party and your errata, once received, will be forwarded to all ordering parties for inclusion in the transcript.

Very truly yours,

Waiver:

I, _____, hereby waive the reading and signing of my deposition transcript.

DEPONENT DATE

*Federal Civil Procedure Rule 30(e) Florida Civil Procedure Rule 1.310(e).

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

CASE NO. 2020-004641-CP-02

IN RE:

QUINTERO, MARIO,

Deceased.

-----/

SWORN STATEMENT OF:

YBELICE GARZARO

DATE:

SEPTEMBER 28, 2021

TIME:

11:20 A.M. - 11:55 A.M.

PLACE:

VIA REMOTE CONFERENCING

REPORTED BY:

SUSAN FEINBERG,
PROFESSIONAL COURT STENOGRAPHER
NOTARY PUBLIC, STATE OF FLORIDA

1 APPEARANCES:

2

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WITNESS:

Ybelice Garzaro

DIRECT EXAMINATION
By Mr. Orth

4

1 COURT REPORTER: The attorneys participating
2 in this deposition acknowledge that I, the court
3 reporter, am not present with the witness and that I
4 will be reporting the proceedings and administering the
5 oath remotely. This arrangement is pursuant to the
6 Florida Supreme Court Administrative Order Number
7 AOSC-20-16 and extended by AOSC-20-17.

8 The parties and their counsel consent to this
9 arrangement and waive any objections to this manner of
10 reporting.

11 Please indicate your agreement by stating your
12 name and your agreement on the record.

13 MR. ORTH: Scott Orth, and I agree.

14 MR. BARREAU: Jamy Barreau, and I agree. But
15 I just want to say on the record that I have no
16 disagreement with the remote court reporting; however, I
17 do want on the record that we do object to this
18 deposition moving forward because an order was
19 discharged and entered by the Judge, and we would demand
20 the Judge be called to confirm that before we can move
21 forward.

22 MR. ORTH: I don't know how we are going to do
23 that on the Zoom.

24 MR. BARREAU: I am sure you can call the
25 Judge's chambers.

1 G-A-R-Z-A-R-O, Maurici, M-A-U-R-I-C-I.

2 Q. Okay. Are you known by any other prior names,
3 ma'am?

4 A. Ybelice Garzaro Holden.

5 Q. Okay. And I hate to ask a woman this, but could
6 you tell us your age and place of birth?

7 A. I was born in Caracas, Venezuela. I am 53 years
8 old.

9 Q. I want to see her Driver's License I don't
10 believe she is 53. I don't know what you did with
11 yourself. You look much younger.

12 So are you presently a U.S. citizen?

13 A. Yes.

14 Q. How long have you been a U.S. citizen, ma'am?

15 A. Since 2014.

16 Q. Okay. And how long have you lived in Florida?

17 A. 22 years.

18 Q. Okay. And what is your prior education?

19 A. Lawyer in Venezuela, and I practiced there for
20 ten years.

21 Q. Okay. And what occupation do you engage in, in
22 the U.S.?

23 A. I own a franchise of remodeling garages, and I
24 was a legal assistant for 17 years.

25 Q. Okay. And who were you a legal assistant to?

1 A. Mr. Francis Holden, my ex-husband.

2 Q. Okay. How long were you married to Mr. Holden?

3 A. 17 years.

4 Q. Okay. And you were a legal assistant with him
5 the entire time?

6 A. Yes.

7 Q. Okay. What is MG Total Consultants?

8 A. We refurbish cruise ships.

9 Q. Okay.

10 A. And we provide them man power to the cruise
11 industry and for foreign companies usually when, you
12 know, they go to dry dock and they need to install 2,000
13 cabins of carpet. We provide the man power to do that.

14 Q. Are you a principal of that business as well?

15 A. Yes.

16 Q. Okay. And you have business cards that say MG
17 Total Consultants?

18 A. Yes.

19 Q. And I can tell from your hyphenated name you are
20 now remarried. This is your second marriage?

21 A. Correct.

22 Q. Okay. What is your date of this second
23 marriage?

24 A. June 8th - I have to call him - 2018.

25 Q. Okay. Do you know Isella and Mario Quintana?

1 A. I met them, yes, first over the phone; and then
2 I went to their house to sign their Will.

3 Q. Okay. And when you say you met over the phone,
4 did someone in particular refer you to them?

5 A. Yes, Ms. Olga Suarez was working with them at
6 that moment. She said, look, they want to do that. I
7 call her mother because she was so nice with me during,
8 you know, when I arrived to this country. My mom wasn't
9 there and here, and she told me what they want this Will
10 and said like, you can help them out with that.

11 Q. Okay. So the name you gave was Olga Suarez,
12 correct?

13 A. Correct.

14 Q. And how long have you known Olga Suarez?

15 A. For 17 -- More, 19 years.

16 Q. Okay. And what was Olga Suarez' relationship
17 with Isella and Mario Quintana?

18 A. I think that she was helping them around. I
19 don't know if you call her caretaker or helping them
20 around with all of their daily needs.

21 Q. Okay. And as a legal assistant, you have
22 assisted people with doing their Wills?

23 A. Yes.

24 Q. Okay. And had you met them before Olga Suarez
25 called you about them wanting to do a Will?

1 A. No.

2 Q. Okay. And you spoke to them over the phone. Do
3 you have notes of that phone conversation?

4 A. I remember, you know, them telling me how they
5 wanted to do this, you know. Okay. Do you have funeral
6 disposition? What do you want to do, you know, when you
7 pass? I said like that. And okay, I want to state all
8 of what is normal in a Will. And who do you want to
9 leave, you know, your stuff to? And who is going to be
10 your personal representative?

11 Q. Okay. And did you prepare a Will based upon
12 that telephone conference?

13 A. Yes, and I extended them like a draft of that
14 Will over the mail, so they can review and call me back
15 to see if the names were still right and, you know, to
16 set up a date to have the document notarized.

17 Q. Okay. So do you still retain copies of the
18 draft?

19 A. I do, but I am at home at this moment and they
20 are in the office, but I do have it in the computer
21 actually.

22 Q. Okay. So you said that you created a draft and
23 then you sent it over to them. How was it sent, by fax,
24 by e-mail or in the mail?

25 A. Regular mail.

1 Q. Okay. Regular mail?

2 A. Yes, USPS.

3 Q. And did they respond to you with any changes to
4 the draft?

5 A. I don't recall really. I don't recall if there
6 were any changes to the draft.

7 Q. Okay. And so after, did you have a second
8 conversation with them after they received the draft?

9 A. Yes. I said, okay, let's set up a date to have
10 the document notarized.

11 Q. Okay. And you are familiar that typically you
12 get two witnesses and a Notary on a Will in Florida?

13 A. Absolutely, yes.

14 Q. Okay. So let me back up for just a minute. Did
15 they tell you if they ever had a prior Will before that?

16 A. I don't remember them telling me that they have
17 a prior Will.

18 Q. Okay. So in setting a date, do you keep a
19 calendar in your computer at work of these dates that
20 you have with people?

21 A. Not really.

22 Q. Okay. So what would you look at in your
23 computer to identify the date that the Will was, when
24 the Will signing was set for?

25 A. In my computer, no. What I can actually

1 probably check in the computer is the logins, so it will
2 tell me the date it was created, the date it was
3 modified and, you know, that is one way that I randomly
4 could one time say, okay, that is created at that time.
5 I don't know how to do it, but I can have someone help
6 me with that.

7 Q. Okay. So we will come back to that. But I want
8 to ask you another question: Did you attend a Will
9 signing with Isella and Mario Quintana?

10 A. Yes.

11 Q. After that Will signing, did you ever hear from
12 them again about making changes to their Wills?

13 A. No.

14 Q. Okay. And did Isella and Mario Quintana both
15 execute their Wills at the same time?

16 A. Yes.

17 Q. Now when you set up a date with them, where was
18 the appointment?

19 A. He said it was like, you know, that her health
20 was -- She couldn't move easily, and we made an
21 appointment in their house. I don't have the address,
22 but I remember it is between 20th Street and 20th Avenue
23 in Hialeah in that region over there. I remember
24 because there was a lot of shops around, and I used to
25 pass over there once in a while.

1 Q. Okay. And so when you got to the house, who
2 else was there or who went with you there?

3 A. With me, my husband drove me there. And there,
4 it was Olga and Mario and Isella.

5 Q. Okay. And was he your husband on that day?

6 A. No, I think that we married just after that. He
7 wasn't my husband.

8 Q. Okay.

9 A. We were dating.

10 Q. Okay. And that's Vincenzo Maurici?

11 A. Correct.

12 Q. Okay. So Olga was there; Vincenzo was there;
13 Isella was there; and Mario was there. Anyone else that
14 you can remember being there?

15 A. No, I don't remember anyone else.

16 Q. Okay. And are you a Notary in the State of
17 Florida?

18 A. Yes.

19 Q. Okay. How long have you been a Notary?

20 A. Maybe nine years, but I don't remember the exact
21 date.

22 Q. Okay. But definitely in 2017 and 2018, you were
23 a Notary, correct?

24 A. Yes.

25 Q. Do you usually notarize the Wills that you

1 create?

2 A. Sometimes, and sometimes, you know, I just hand
3 deliver the Will and they go to a Notary probably out of
4 the City or --

5 Q. Okay. And typically do you have them sign more
6 than one copy?

7 A. No. And when it is done in the office, I have
8 one original done. I make a copy or two copies, you
9 know, put them in the blue binder, hand it to them, an
10 original and copy. I always tell them to keep your
11 original in a safe place. This is like a hundred dollar
12 bill. If you loose it, it is lost. So keep it in a
13 safe place or give it to someone.

14 Q. Okay. Do you know who Magolly (phonetic) is?
15 Is it Isella and Mario's caretaker?

16 A. No.

17 Q. Okay. Do you know who Eva Marie Anderson is?

18 A. It sounds familiar, you know. It sounds
19 familiar because we had like maybe an hour, hour and a
20 half, and she talked about all of their kids and, you
21 know, one is married, the CEO from bigshot cruiseline
22 guy, and it sounds familiar, but I don't know.

23 Q. Okay. So you don't know her personally, and she
24 is not a friend of yours, correct?

25 A. No.

1 Q. And she is on the screen where it says Anders,
2 short for Anderson. She doesn't look familiar to you?

3 A. No.

4 Q. Very good. And what in general did you
5 understand that Isella and Mario's plan was for their
6 Will and disposition of assets?

7 A. I remember them saying like, okay, this is my
8 house because I owned a house from a previous marriage
9 and, you know, I want to leave, you know, this one, it
10 is okay, this one, it is all set, and my granddaughter,
11 I think they wanted, you know, who calls us all the
12 time, so that's the one that cares the most at that
13 moment.

14 MR. BARREAU: I apologize. Scott, I am sorry to
15 interrupt. The Judge is calling right back. I think he
16 may have reconsidered. Do you mind if I put you back on
17 the line? He did want to speak to us again.

18 MR. ORTH: Go ahead.

19 MR. Barreau: Thank you.

20 (The Sworn Statement concluded at 11:55 a.m.)

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CERTIFICATE

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I, SUSAN A. FEINBERG, Shorthand Reporter and Notary Public in and for the State of Florida at Large, do hereby certify that the foregoing transcript is a true and correct transcription of my stenographic notes of the statement given by YBELICE GARZARO MAURICI.

I further certify that I am neither attorney or counsel for, nor related to or employed by, any of the parties to the action in which this statement is taken; and further that I am not a relative or employee of any attorney or counsel employed by the parties hereto, or financially interested in the action.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal this 20th day of October, 2021.



SUSAN A. FEINBERG
PROFESSIONAL COURT STENOGRAPHER
NOTARY PUBLIC, State of Florida at Large
My Commission Number: GG 343422
My Commission expires: June 16, 2023

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

CASE NO. 2020-004641-CP-02

IN RE:

QUINTERO, MARIO,

Deceased.

-----/

DEPOSITION OF: YBELICE GARZARO
DATE: SEPTEMBER 28, 2021
TIME: 11:20 A.M. - 12:10 P.M.
PLACE: VIA REMOTE CONFERENCING

REPORTED BY: SUSAN FEINBERG,
PROFESSIONAL COURT STENOGRAPHER
NOTARY PUBLIC, STATE OF FLORIDA

1 APPEARANCES:

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1 COURT REPORTER: The attorneys participating
2 in this deposition acknowledge that I, the court
3 reporter, am not present with the witness and that I
4 will be reporting the proceedings and administering the
5 oath remotely. This arrangement is pursuant to the
6 Florida Supreme Court Administrative Order Number
7 AOSC-20-16 and extended by AOSC-20-17.

8 The parties and their counsel consent to this
9 arrangement and waive any objections to this manner of
10 reporting.

11 Please indicate your agreement by stating your
12 name and your agreement on the record.

13 MR. ORTH: Scott Orth, and I agree.

14 MR. BARREAU: Jamy Barreau, and I agree.

15 Thereupon,

16 YBELICE GARZARO,

17 having been first duly sworn remotely, was examined and
18 testified as follows:

19 DIRECT EXAMINATION

20 BY MR. ORTH:

21 Q. Please state your name.

22 A. Ybelice Garzaro.

23 Q. I am going to refer to you as Ms. Garzaro, all
24 right?

25 A. Yes.

1 Q. Ms. Garzaro, please state your age and place of
2 birth.

3 A. I am 53 years old. And I was born Caracas,
4 Venezuela.

5 Q. Are you presently a U.S. citizen?

6 A. Yes.

7 Q. How long have you been a U.S. citizen?

8 A. Since 2014.

9 Q. How long have you resided in the State of
10 Florida?

11 A. Approximately, 22 years.

12 Q. Is all of that in South Florida?

13 A. Yes.

14 Q. What is your prior occupation before coming to
15 Florida?

16 A. I am a lawyer in Venezuela.

17 Q. Okay. And did you actively practice law in
18 Venezuela?

19 A. Yes.

20 Q. Did you work on Wills and Trusts in Venezuela?

21 A. No.

22 Q. Okay. How did you learn about how to do Wills
23 and Trusts?

24 A. I was a legal assistant for Mr. Francis Holden,
25 my ex-husband, for 17 years. And in that way, little by

1 little, just typing at the beginning, then I used to
2 translate the clients and then, you know, doing the
3 paper, maybe the interview to obtain the information to
4 do the Will both in English and Spanish when he was not
5 around.

6 Q. Okay. And you divorced Mr. Holden; is that
7 correct?

8 A. Yes.

9 Q. And approximately, when was that?

10 A. 2016.

11 Q. Okay. And I see from your Driver's License that
12 you now have a hyphenated name. When did you remarry?

13 A. In 2018, June 8.

14 Q. Okay. And you are involved in cruise ship
15 remodeling and garage remodeling; is that correct?

16 A. Yes.

17 Q. And from time to time, you assist people in
18 filling out Wills and having them executed; is that
19 correct?

20 A. That is correct.

21 Q. Okay. And could you tell us briefly how you
22 came to know Isella and Mario Quintero?

23 A. Olga Suarez, I call her mom. She was very nice
24 to me since I arrived to this country, and she was
25 working helping them out with their daily chores. And I

1 think they had the conversation that they wanted to do
2 the will. And she'd say like, okay, look, my daughter
3 can help you out with that, she is very good at it.
4 That's the way. Then we did a phone call, and I
5 interviewed them. They gave me the information to
6 prepare the document. I prepared a draft. I mailed it
7 to them, and we did an appointment after that in order
8 to have it executed.

9 Q. Okay. So you refer to Olga Suarez as sort of
10 your surrogate mother, correct?

11 A. Yes.

12 Q. She is your U.S. mother?

13 A. My U.S. Cuban mother, yes.

14 Q. Okay. And what was Olga Suarez' relationship
15 with Isella and Mario Quintero?

16 A. She was helping them with all of the daily
17 chores, you know.

18 Q. Okay. And did you interview Isella and Mario
19 Quintero over the phone?

20 A. They gave me all the information over the phone,
21 this is what they want, this is the names we want, yes.

22 Q. Okay. And, in general, what was their
23 inclination and attitude towards what they wanted to
24 have happen with the home that they were living in?

25 MR. BARREAU: Objection.

1 A. I remember Isella stating this is my house. I
2 got it with my previous husband. I want this house to
3 be my granddaughter's because she is the only one that,
4 you know, cares for us; and the others are all set; and,
5 you know, that's what I want. And I remember Mario
6 saying, you know, I will agree with whatever she wants
7 to do because this is her house too. He said, whatever
8 she says.

9 Q. Okay. And so did you prepare Wills for Isella
10 and Mario Quintero?

11 A. Yes, I prepared Wills.

12 Q. Did you transmit the Wills in some form or
13 fashion?

14 A. I sent them the USPS with a letter saying:
15 Please review; check the names are spelled right; and
16 please get back to me so we can, you know, have them
17 executed; let's make an appointment so we can have it
18 executed.

19 Q. Okay. And did you hear back from them after
20 that?

21 A. They called me, and they set up a date, yes; you
22 can come over lunch time, and we will be here; Olga will
23 be here; and bring another witness because, you know, we
24 are missing one.

25 Q. Okay. And are you familiar that Wills in

1 Florida usually have two witnesses on a Notary?

2 A. Yes, because herself, yes, has to be signed
3 twice as well. Yes, I am familiar with that.

4 Q. Okay. And are you a Notary for the last six to
5 eight years?

6 A. Yes, I would say. I am not sure if it is nine,
7 yes.

8 Q. Okay. So for at least six to eight years, you
9 have been a Notary?

10 A. Yes.

11 Q. Okay. And tell us who was at the house when you
12 got there on the date of the appointment for the Will
13 signing and who came with you.

14 A. We go there. Olga opened the door. And Ms.
15 Isella was like in a lounge chair that she had on my
16 left, and Mr. Mario was sitting on the dining table
17 there, you know. He cleared up everything so like I can
18 sign. And I walked in with my husband and, you know,
19 introduced myself. We joked a little. They offered
20 coffee and a Spanish dish.

21 Q. Okay.

22 A. I actually had lunch with them.

23 Q. Okay. And you said you were there with your
24 husband. Were you married to Vincenzo Maurici at the
25 time?

1 A. No.

2 Q. So he was your boyfriend or fiance?

3 A. Boyfriend, fiance.

4 Q. Okay. And was Olga Suarez there when you got
5 there?

6 A. Yes, she was.

7 Q. Did she go with you, or was she already there?

8 A. She was already there helping them. It was her
9 day. I think it was like three times a week. It was
10 her day.

11 Q. Okay. And so after lunch, did you sit down and
12 read the Will to them and explain it to them?

13 A. Before lunch, I read the document to them,
14 explained everything. Isella, you know, she spoke
15 English, understood English very well. I don't remember
16 if Mario did, but she did. And anyway, I went over, you
17 know, to Mario because he was not involving anyone. But
18 the daughter of Isella or the granddaughter of Isella, I
19 said, are you okay with that. And I remember him
20 stating like whatever she is saying because this is her
21 house.

22 Q. And did anybody that you were in touch with
23 through had episode indicate that there was ever any
24 prior Will of Isella or Mario Quintero?

25 A. If they stated it, I don't remember.

1 Q. Okay. I don't want you to assume by my question
2 that there is one.

3 A. I am not aware. No, I don't remember. I don't
4 recall.

5 Q. Okay. And after the Will signing that you had
6 attended, was there ever any contact were either Isella
7 or Mario after that to make any changes or to do a new
8 Will?

9 A. No.

10 Q. Okay. And do you recall the date or approximate
11 date of the Will signing?

12 A. No, it was 2017. Because if I divorced in '16,
13 married on '18, he was married to me. It was '17, 2017.

14 Q. Okay. So you specifically remember that that
15 was after your divorce and before your remarriage?

16 A. Correct.

17 Q. Okay. And were you present when Mario Quintero
18 signed his will?

19 A. Yes.

20 Q. Okay. And who was there at the table witnessing
21 the signature of the Will by Mario Quintero?

22 A. Olga Suarez and Vincenzo Maurici.

23 Q. And who did you leave the Will with when you
24 left?

25 A. I left the Will with them.

1 Q. Okay. Is it possible that there were two Wills,
2 two copies?

3 A. They executed -- No. But the one that I sent
4 them, you know, so the draft, they probably -- I didn't
5 execute the draft. I, you know, had another copy with
6 me in order to execute.

7 Q. Okay. So I understand that you are at home, but
8 that you may have some documents on your computer at the
9 office; is that right?

10 A. I probably have the document that I prepared,
11 the Will.

12 Q. Okay. And is it possible that in your computer
13 you have either logins or logouts or edit dates that
14 would show the dates that the Will was originally
15 drafted and edited?

16 A. I think I can, you know, have the information of
17 the document, and it will tell me the date of creation,
18 date modified, date that the file was open. And like I
19 am saying, I just done that by mistake. But probably I
20 can have someone to give me a hand in order to have, you
21 know --

22 Q. Okay. Do you keep a copy of the Will and write
23 on the front what happened to the original?

24 A. When it is done in my office, I do keep a copy
25 of Wills and say like okay, original in Safety Deposit

1 Box; or, you know, hand delivered to, you know, Grantor;
2 or original was given to the daughter of Grantor for
3 safe purposes and I do. But like in this particular
4 opportunity, I remember telling them: I am executing
5 this at your house; I am not able to make a copy; we
6 need to make sure that a copy is made of this executed
7 to keep a safe one in a safe place; because this is a
8 hundred dollar bill and if it gets lost, it gets lost;
9 so just do that. And I remember repeating, remember to
10 make a copy, keep that, you know, for the beneficiary
11 and the original, keep it in a safe place.

12 Q. And you are absolutely certain that Mario and
13 Isella Quintero, Olga Suarez, Vincenzo Maurici and
14 yourself were all at the table at the moment that Mario
15 signed his Will; is that right?

16 A. I have no doubt.

17 Q. Okay. So I am going to send you a followup
18 letter for the document that we asked for in the
19 subpoena. I know that you have been traveling and maybe
20 you didn't have a chance to obtain them. If you need
21 assistance from an IT person to extract any of these
22 documents that we asked for on Schedule A of the
23 Subpoena, then you let us know, and we will arrange an
24 IT person.

25 Okay. So I am going to put up on the screen a

1 copy of a Will. Let me share the screen. Bear with me
2 one moment. Do you see the Last Will and Testament of
3 Mario Quintero? Do you see that?

4 A. Yes.

5 Q. Okay. So this will be Exhibit 1.

6 (Exhibit is marked for identification.)

7 Q. The original of this document was filed with the
8 Court. This is a copy of the Will of Mario Quintero.
9 Can you take a moment, and can you see the entire first
10 page or is it cut off?

11 A. No, I can see the entire first page.

12 Q. Okay. Can you take a look at that and tell me
13 if that is the Will that you created?

14 A. It is in the font that I use.

15 Q. Would you like me to scroll to the additional
16 pages?

17 A. The wording, yeah, that I use, yes, sir.

18 Q. Here on Page 2, it refers to Olga Suarez and
19 Vincenzo who you testified a few moments ago were at the
20 Will signing with you, correct?

21 A. Correct.

22 Q. Okay. Now, on Page 2, it doesn't have,
23 strangely, a date, and the witness' signature seems to
24 be missing. Do you know how it came to be that the date
25 and witness' signature are missing?

1 A. It appears he signed the draft that I sent him
2 because we executed that.

3 Q. Okay. Now strangely this copy of the Will has a
4 Notary signature. Do you know this person, Nancy
5 Ardively (phonetic)?

6 A. No, and it looks like she did like an awful job
7 because everybody knows that a Will needs to be dated
8 and have, you know, two witnesses.

9 Q. Okay. So when you sent Mr. Quintero the draft
10 there, did you know who the witnesses were going to be?

11 A. We actually, you know, did discuss I am going to
12 be here and, you know, I said like if you drive me, you
13 drive me, you know, come with me - to my boyfriend at
14 that moment and that we work together at the office so
15 we see here - He drives me, helps me out to execute.

16 Q. Okay. And who would have been the Notary on the
17 copy of the Will that you saw signed?

18 A. I did the Notary, you know, when they sign.

19 Q. Okay. And so you believe that a duplicate of
20 this Will and Last Will and Testament of Mario Quintero
21 was signed by the witnesses and notarized by yourself?

22 A. Can you repeat the question? I don't know what
23 my mind went to the document.

24 Q. So you believe that there is or was at some
25 point in time a version, a copy of this Will and

1 Testament of Mario Quintero that actually have the
2 signatures of Olga Suarez and Vincenzo Maurici that you
3 notarized?

4 A. It is not what I believe. I am sure that we
5 notarized two documents and executed properly at their
6 home.

7 Q. Okay. And reading the second clause on Page 1
8 that I have highlighted, you can take a moment to read
9 that? I want to ask you if that is identical to the
10 Will that, you know, that Mario Quintero executed with
11 witness and a notary?

12 A. To my beloved granddaughter -- I wasn't sure if
13 that was the daughter or granddaughter. It was the
14 granddaughter. And yes, I am absolutely sure that
15 that's what those were, their wishes.

16 Q. Okay. After the date of the Will signing, did
17 anybody from the family contact you with any questions
18 about the Will?

19 A. After the Will was signed, no, no, no.

20 Q. Okay. Did anybody mention to you that the
21 Quintero's had a Safety Box?

22 MR. BARREAU: Objection.

23 A. No.

24 Q. Okay. So that's Exhibit one. Let's stop the
25 sharescreen.

1 Have you ever been contacted by anybody in the
2 family before you got the subpoena to testify at this
3 deposition regarding the Will?

4 A. The mother, I think the mother, yeah. She
5 contacted me asking me if I have a copy of the original.

6 Q. Okay. That is Eva Marie's mother that contacted
7 you?

8 A. I think it was. I don't know if it was Maria,
9 her name, or something like that.

10 Q. Okay. And did you meet with her in person?

11 A. Yes.

12 Q. Okay. And at meeting, did you try to verify in
13 your computer what the date that the Will was signed?

14 A. Yes.

15 Q. Okay. And did you give her a date?

16 A. Yes, the date that I created it.

17 Q. Okay. Is there, do you believe based upon a
18 review of your computer, that you can definitively
19 establish the day of the signing?

20 A. Not the day of the signing but the day it was
21 created.

22 Q. Okay. And your computer would also show whether
23 or not it was edited from the first draft to the final,
24 correct?

25 A. That's correct.

1 Q. Okay. Have you spoken to Francis Holden about
2 this Will at all?

3 A. Not at all, uh-uh, even though I still have
4 contact. We work in several cases. But no, I see no
5 need to contact him regarding that.

6 Q. Okay. When did you first hear about Isella's
7 passing?

8 A. Maybe Olga mentioned it, but I don't remember th
9 date. Maybe Olga mentioned it but yeah.

10 Q. Do you know -- So after Isella's passing, did
11 you have any discussion with Mario Quintero at all?

12 A. No.

13 Q. Okay. When did you first hear about Mario's
14 passing?

15 A. Olga told me, look, Maria called me and said dad
16 passed away, told me a little bit about, you know, the
17 details about, you know, him getting dementia and, you
18 know, the tragic way that everything happened.

19 Q. Okay. Was there any indication whatsoever that
20 Mario Quintero did not understand what was happening or
21 whatever Will was providing for on the day of the Will
22 signing?

23 A. No, not at that moment, no.

24 Q. Okay. That is kind of a compound question. I
25 am going to ask it in two pieces: Was there any

1 indication to you from your spending an hour to an hour
2 and a half that Mario Quintero on the day of his Will
3 signing, that he did not understand what was happening?

4 A. Not any indication, and I usually -- I don't
5 know if I can extend to that answer. I usually make
6 sure because I have seen undue influence and I
7 interview, you know, usually the clients before Mr.
8 Holden used to execute and, you know, make little
9 questions about what day is today, do you drive, how
10 long do you drive, things are like in the daily chatting
11 that it will, you know, show me that they are not, and I
12 do, I rejected many clients. I say you shouldn't do it
13 because they are not right. And I don't remember him
14 having any trouble understanding or to, you know, being
15 forced to sign a document.

16 Q. Okay. And you actually saw him put pen to paper
17 to a Will that provides the same as Exhibit A?

18 A. Yes.

19 Q. Okay. And you believe that you notarized the
20 Will, correct?

21 A. I notarized the Will. I do not believe. I am
22 sure about it.

23 MR. ORTH: Okay. I am going to take a break for
24 one minute. Then we will try to wrap this up. Okay?

25 THE WITNESS: Okay.

1 (Off the record.)

2 Q. Okay. Because of the confusion at the
3 beginning, I just want to ask a question I may have
4 asked you before, but I apologize. I just want to make
5 sure it is in the deposition section.

6 Have you ever met Eva Marie Anderson who is on
7 the Zoom previously?

8 A. No.

9 Q. Okay. Did she have anything to do with the
10 creation of the Will or any edits to the Will?

11 A. No.

12 Q. Okay. Have you ever spoken to her on the phone?

13 A. No.

14 Q. Okay. Did you see what the Quintero's did with
15 the original before you left?

16 A. It was folded, and they got it so -- I remember
17 telling them: To make a copy of it because I am not in
18 the office and I cannot give you an extra copy that you
19 can hand to a beneficiary; and make sure that you put it
20 in a safe place; keep one copy for the beneficiary; put
21 that in a safe place; it is a hundred dollar bill; if it
22 gets lost, it gets lost.

23 Q. Did you see where they placed the envelope?

24 A. No.

25 MR. ORTH: All right. I have no further

1 questions at this time. Mr. Barreau has the chance to
2 cross-examine you.

3 CROSS-EXAMINATION

4 BY MR. BARREAU:

5 Q. Good afternoon, Ms. Garzaro. How are you?

6 A. I am doing fine, thank you.

7 Q. My name is Jamy Barreau. I just have a few
8 questions for you. I apologize if you have to revisit
9 the topic, but I think it may be good if we clarify a
10 few things.

11 A. Okay.

12 Q. So you mentioned that you are close with Olga
13 Suarez, correct?

14 A. Yes.

15 Q. How close were you with her employer, Mr.
16 Quintero?

17 A. I never met them before.

18 Q. So you weren't familiar with him or his family
19 or anything like that?

20 A. No.

21 Q. You mentioned that, am I correct in saying, that
22 you mentioned that Isella spoke English?

23 A. Understood English. Because I remember when I
24 went there, what I was going over, you know, to review,
25 I want you to check the contents of the Will and she

1 said yeah, I get it, because I usually simultaneously
2 translate what is written. So I say no, no, I get to
3 read it, okay.

4 Q. And how about Mr. Quintero, did he speak
5 English?

6 A. I don't remember him saying or I just read in
7 Spanish for him, but I am not sure, but I remember her
8 clearly, you know, being proud of speaking English,
9 absolutely.

10 Q. And in terms of Mario, Mr. Quintero, you
11 mentioned you could remember reading to him in Spanish,
12 correct?

13 A. Yes.

14 Q. And was a translated copy ever given to him so
15 he could read it in Spanish?

16 A. No.

17 Q. So did he confirm with you his understanding
18 afterwards?

19 A. Yes, and I remember he stated yeah, no,
20 everything is going to be done in this way because this
21 is her house anyway, and she can do whatever she wants.

22 Q. But he didn't independently verify that with his
23 eyes looking at the document what it said?

24 A. I was reading it to him, you know, like I did
25 the translation in Spanish and he affirmatively, you

1 know, agreed with it.

2 Q. Thank you. Understood. You mentioned that you
3 were a Notary for this transaction, correct?

4 A. Yes.

5 Q. Do you normally keep a record of the document
6 that you notarize?

7 A. Usually, I do. But then this occasion was done
8 at their house, and I expressly told them, you know, we
9 have to make a copy of this document because I don't
10 have a copy machine here, so we have to do a copy and
11 give the copy to the beneficiary and keep the original
12 in a safe place.

13 Q. So just to clarify, your normal business
14 practice is to keep a log of your notarizations,
15 correct?

16 A. Yes, yes.

17 Q. But this time that did not happen?

18 A. Because that was, you know, going to their
19 domicile, so we didn't have access to a copy machine at
20 that moment.

21 Q. Understood. Thank you. I know Mr. Orth had
22 showed you a copy of the Will, and he did mention the
23 notary at the bottom only. Do you recall that
24 discussion between you and Mr. Orth, or would you like
25 me to pull it up what I am talking about?

1 A. No, I know and I saw, and it says some Nancy
2 something. And it is hard for me to assume but probably
3 the copy that I sent them, you know, is a draft prior to
4 the interview to get it notarized. He went and had it
5 notarized, and it is a terrible Notary job because
6 whoever is a Notary knows that, you know, the Last Will
7 and Testament needs two witnesses in order to be either
8 self prove or not and two witnesses.

9 Q. Understood. But you do not know? Do you need
10 me to clarify? Do you know anyone named Nancy Ardively?

11 A. No.

12 Q. Understood. Thank you. Now you mentioned
13 before that you an attorney in Cuba; is that correct?

14 A. In Venezuela.

15 Q. In Venezuela. I apologize, in Venezuela. And
16 as of right now, are you licensed to practice law in the
17 State of Florida?

18 A. No, I am not, and I make sure that my clients
19 know that I am not an attorney. I am a legal assistant.

20 Q. Understood. And at the time that you say the
21 Will was signed, were you working as a legal assistant
22 at that time?

23 A. On occasion, yes, with Mr. Holden. Part of our
24 Marital Settlement Agreement was that people trust me,
25 and they usually contact me before going to the

1 attorney. They contact me directly. So I say okay, you
2 know, whatever, contact me, I will take it to you, you
3 the stuff and, you know, you give me, you know, a
4 commission for it.

5 Q. Okay. Understood. Is that what the arrangement
6 was for this Will, that he would prepare it, and that
7 you would get a commission on it?

8 A. No, no, no, I did it directly.

9 Q. You did it directly, so it wasn't under the
10 supervision of an attorney?

11 A. No, it wasn't under a supervision of an
12 attorney.

13 MR. BARREAU: Understood. At this time, I don't
14 have any further questions.

15 MR. ORTH: Okay. Ms. Garzaro, I am going to
16 keep the deposition open just so that you can close the
17 loop on the documents we asked for in the subpoena. My
18 office staff will be contacting you and see if we need
19 an IT person to do that. We will coordinate with Mr.
20 Barreau. Okay?

21 THE WITNESS: Okay.

22 MR. ORTH: Witness will reserve reading at this
23 time and see if we have to reconvene. We may have to
24 come back for a brief Zoom session if we find documents
25 on the computer to have you identify them. So we will

1 be in touch. We will keep the depo open at this point
2 in time.

3 (The deposition was suspended at 12:10 p.m.)

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CERTIFICATE OF OATH

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STATE OF FLORIDA)

COUNTY OF BROWARD)

I, the undersigned authority, certify that
YBELICE GARZARO remotely appeared before me and was duly
sworn.

WITNESS my hand and official seal this 12th day of
October, 2021.



SUSAN A. FEINBERG
Notary Public - State of Florida
My Commission No. GG 343422
Expires: June 16, 2023

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REPORTER'S DEPOSITION CERTIFICATE

STATE OF FLORIDA)
COUNTY OF BROWARD)

I, SUSAN A. FEINBERG, Shorthand Reporter,
certify that I was authorized to and did
stenographically report the deposition of
YBELICE GARZARO; and that the transcript is a true and
complete record of my stenographic notes.

I further certify that I am not a relative,
employee, attorney, or counsel of any of the parties,
nor am I a relative or employee of any of the parties'
attorney or counsel connected with the action, nor am I
financially interested in the action.

Dated this 12th day of October, 2021.



SUSAN A. FEINBERG
Notary Public - State of Florida
My Commission No. GG 343422
Expires: June 16, 2023

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

PROBATE DIVISION

Case No. 2020-004641-CP-02

IN RE:

QUINTERO, MARIO,

Deceased.

EVA MARIA ANDERSON,

v.

MARIA MCGOWAN as intestate heir and
Personal Representative, DEBORAH
SPARKMAN, as intestate heir, and
LUKE SPARKMAN, as will beneficiary.

**MOTION TO VACATE AND/OR FOR RECONSIDERATION AND/OR REHEARING
AS TO ORDER ARISING FROM JUNE 7, 2024 HEARING¹**

Petitioner/Interested Party, EVA MARIA ANDERSON (herein “Ms. Anderson”), joined by LAW OFFICES OF SCOTT ALAN ORTH, P.A, respectfully move this Court to vacate and/or rehear and reconsider the Order arising from June 7, 2024 hearing entered on June 7, 2024 (the “Order”) for the following reasons:

1. First and foremost, this Court failed to abide or recognize the 3DCA’s pronouncement that

¹ Included in the subject Order was a sentence that precluded counsel from filing further papers without Court permission. That part of the Order is subject to this request to vacate for reconsideration. Further, the Court did not specify a procedure to obtain such permission. Such an order is virtually unprecedented as to filings by counsel. It is particularly egregious here where McGowan’s plea in the 3DCA to attempt solicit an order precluding this very action was denied. See Order denying McGowan’s Motion to Clarify. Case No. 3D2023-0054 (March 15, 2024). To the extent required, Eva Maria Anderson and the Law Offices of Scott Alan Orth, P.A., hereby request permission to file the hearing transcript, the witness subpoena, this Motion, the email chain leading up to the entry of the Order and supporting declarations/affidavits.

it is not too late in this probate case to probate a lost will. Thus, the issue for this Court was inherently a factual one.

2. However, the Court failed and refused to consider any evidence in determining the Motion to Strike.
3. The Motion to Strike was not properly verified. A motion to strike under Rule 1.150(b) must be verified by the moving party.
4. The Motion to Strike was not authorized by any precedent recognized under Florida law. A sham pleading is one that is so obviously false that it does not present a genuine issue of fact for the court to decide. Fla. R. Civ. P. 1.150. "A pleading is only considered a sham when it is inherently false and clearly known to be false at the time the pleading was made." Cromer v. Mullally, 861 So. 2d 523, 525 (Fla. 3d DCA 2004).
5. The instant Motion to Strike was not supported by sufficient evidence. In fact, the Court accepted no evidence. The argument of counsel alone at a hearing on a motion to strike is not evidence. Reyes v. Roush, 99 So. 3d 586, 590-591 (Fla. 2d DCA 2012), and cannot sustain a motion to strike.
6. A motion to strike is properly considered on the evidence presented, which must establish either an admitted fact or an established falsity of fact that defeats the pleadings to be stricken. When a party submits any evidence to support her allegations which directly contradicts the other party's position, the court cannot strike one party's pleadings simply because the opposing party says they are false. *See* Scarfone v. Silverman, 408 So. 2d 778 (Fla. 2d DCA 1982).
7. In order to succeed on a motion to strike under Rule 1.150, the movant must demonstrate that the pleading is "a mere pretense, set up in bad faith and without color of fact" or that

“it is inherently false and, based on plain or conceded facts clearly known to be false at the time the pleadings was made.” Sean R. Santini, Motions to Strike Sham Pleadings and Summary Judgment Motions: Is There A Difference?, 77 Fla. B.J. 52 (Oct. 2003).

8. The Florida Supreme Court has taken the position that a pleading cannot be stricken unless the **claimed** falsity appears **clearly** and **indisputably**. Rhea v. Hackney, 157 So. 190, 193–94 (Fla. 1934). *See also*, Sargent, Repka, Covert, Steen & Zimmet, P.A. v. HAMC Indus., Inc., 597 So. 2d 427, 429 (Fla. 2d DCA 1992). This is regarded as a high standard and is therefore “rarely used” and has been described as a “relic of the past.” Reyes, 99 So. 3d at 592 (J. Altenbernd, concurring).
9. Generally, the striking of pleadings is not favored and all doubts are to be resolved in favor of the attached pleading. Costa Bella Dev. Corp. v. Costa Dev. Corp., 445 So. 2d 1090 (Fla. 3DCA 1984).
10. Further, the subject Order entered was a “verbatim order” entered and then served 51 minutes after submission by the Personal Representative’s counsel. Verbatim orders are not *per se* invalid but are subject to scrutiny where there is no opportunity for comment by the opposition and contain erroneous provisions, which signal the lack of independent judgment. Larkins v. Mendez, 363 So. 3d 140, 147 (Fla. 3DCA 2023). *See also*, First Baptist Church of Greater Miami v. Miami Baptist Ass’n, 373 So. 3d 1194, 1198 n.3 (Fla. 3d DCA 2023)
11. This Order has several false or incorrect and prejudicial features: it was unilaterally submitted by the Personal Representative’s counsel, without awaiting comments or corrections (see Notice of Filing Emails) despite the Court’s directive that counsel consult on the form of the Order. (See Notice of Filing transcript, at pg. 15, lines 10-13).

12. The Order is erroneous or suspect in several aspects because:

- a. The §57.105 motion (Dkt No. 198) was not set for hearing and the Court did not rule on it;
- b. The Court was expressly not proceeding on the §57.105 motion, but rather solely on a fee request in the Motion to Strike. (Notice of Filing transcript, p14-15). Accordingly, the Personal Representative's counsel gratuitous addition of 3 additional bases for fees, exceeds the Court's ruling.
- c. The Court, only in commentary, said it thought someone had altered the will. The Court did not make a specific finding and it could not have made such a finding because there was no evidence. No "alteration" has ever been suggested by the Personal Representative in this case. The Personal Representative never mentioned in ANY pleading or brief that any will form was altered, "scrubbed" (whatever that is) or falsified and there is no actual evidence of same. *See* Affidavit of Scott Alan Orth. *See* Declaration of Maria Bello. The Personal Representative has never submitted any evidence of alteration of any document. Accordingly, paragraph #2 of the Order is false.
- d. The Order failed to list Anderson's Exhibits and Index as part of the matters before the Court as required on the order form.
- e. The Court never announced that it was admitting anything into evidence. So, paragraph #1 of the Order is false. *See* Notice of Filing the transcript.
- f. The Order fails to properly indicate that the Court refused to accept the testimony proffered by Anderson, including that of Ms. Anderson and Ybelice Garzaro, (the

Will scrivener) who were present to testify.² The Order is therefore incomplete.

- g. The Order failed to indicate that the Court refused to accept or consider any of the evidentiary documents proffered by Anderson and is therefore incomplete.
 - h. Paragraph 8 of the Order is false. The only request for fees potentially noticed or granted was the fees under the Motion to Strike. The addition of substantive items not heard and not ruled on is improper.
13. During the hearing, while the Court reflected familiarity with the Motion to Strike, the same cannot be concluded as to any familiarity with Eva Maria Anderson's written Response.
14. Further, the subject order should be vacated because the Court, based on its comments, obviously prejudged the issues in a false and prejudicial way and revealed a previously undisclosed bias and prejudice against the claimant, Anderson which destroyed the Court's objectivity and created an appearance of bias.
15. Based on this bias and the heretofore secret belief of the Court adverse to Anderson, the Court should have *sua sponte* recused itself. See Tower Grp., Inc. v. Doral Enters. Joint Ventures, 760 So. 2d 256, 257 (Fla. Dist. Ct. App. 2000):

"In fact, under the circumstances of this case, we believe that the trial judge may have had an obligation to *sua sponte* recuse herself from this cause pursuant to canon 3(E)(1)(a), Code of Judicial Conduct; that canon requires that:

- (1) A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances where:
 - (a) the judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of disputed evidentiary

² Ybelice Garzaro was subpoenaed to testify and appeared. See transcript and the copy of the filed Subpoena and Return of Service.

facts concerning the proceedings[.]

See also Livingston, 441 So. 2d at 1085-86 (stating that: the judiciary cannot be too circumspect, neither should it be reluctant to retire from a cause under circumstances that would shake the confidence of litigants in a fair and impartial adjudication of the issues raised.) (quoting Dickenson v. Parks, 104 Fla. 577, 582-84, 140 So. 459, 462 (1932).”

16. Lastly, the Court barred Anderson from filing further papers in this case without an evidentiary basis, without precedent, and without an announced or a determined need for same. Such an order violates the constitutional guarantee of citizen access to the Courts. Art I, §21, Fla. Const.; Atwood v. Singletary, 661 So. 2d 1216, 1217 (Fla. 1995).

WHEREFORE, Ms. Anderson, joined by Law Offices of Scott Alan Orth, P.A., respectfully request that the Court vacate the Order, recuse itself and direct the Clerk to complete the reassignment of this case, or, alternatively, reconsider the Order, vacate it and deny the Motion to Strike.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy has been filed, served, and furnished to

Donald J. Thomas, Esq., via don@cbrlawgroup.com
Georgia T. Garnecki, Esq., via georgia@cbrlawgroup.com
paralegal@cbrlawgroup.com
Donna Greenspan Solomon, Esq., via donna@solomonappeals.com
Thomas C. Walser, Esq., via info@whlawfl.com
mbuckley@whlawfl.com

via the Florida Courts e-Filing Portal this 21 day of June, 2024.

s/ Scott Alan Orth

SCOTT ALAN ORTH

Florida Bar No. 436313

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