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Family Law Case Law Updates

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2023 Annual Florida Family Case Law and Disciplinary Action Summary

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Agreements:

Robertson v. Hochstatter, 369 So.3d 716 (Fla. 4th DCA 2023). Trial court affirmed for interpreting provision regarding interest on payment. *Judge Laura Johnson, affirmed and remanded.*

Duchateau v. Duchateau, 361 So.3d 951 (Fla. 5th DCA 2023). Rule 9.130(a)(3)(c)(ix) permits the appeal of a non-final order that determines “that as a matter of law, a settlement is unenforceable, is set aside, or never existed.” For an order to be reviewed as a non-final order it must include the language “as a matter of law.” *Judge Kathryn M. Speicher, appeal dismissed.*

Vera v. Toledo, 357 So.3d 771 (Fla. 3rd DCA 2023). Trial court erred finding a letter designed to be preliminary negotiations, designed to lead to an agreement, is an offer which is binding upon acceptance. *Judge Ivonne Cuesta, reversed.*

Alimony:

Ferrer v. Larrinaga, 48 Fla. L. Weekly D2343 (Fla. 3rd DCA 2023). Trial court affirmed for awarding permanent alimony in seven (7) year marriage where trial court found exceptional circumstances. The wife suffered health issues after a surgery during the marriage to remove a brain tumor, and such surgery left her unable to work. *Judge Maria Espinosa Dennis, affirmed.*

Schmidt v. Schmidt, 48 Fla. L. Weekly D1975 (Fla. 5th DCA 2023). Law is clear that reasonable and necessary living expenses should be deducted from net income to determine ability to pay. Here, trial court awarded alimony that exceeded party’s ability. Trial court also erred by considering income of husband’s live-in girlfriend and by inequitably distributing parties’ assets and liabilities. *Judge Stasia Warren, reversed.*

Huete v. Huete-Sierra, 360 So.3d 1172 (Fla. 4th DCA 2023). Order is facially inconsistent with respect to how much is owed in retroactive support, how much must be paid in retroactive child support, and whether the former husband is required to pay retroactive alimony. Remanded for the trial court to clarify the inconsistencies in its ruling. *Judge Maxine Cheesman, affirmed in part, reversed in part.*

Brutus v. Giles, 360 So.3d 1223 (Fla. 5th DCA 2023). Trial court erred granting alimony of \$100 per month for sixty (60) months, when oral pronouncement was to deny alimony. *Judge Brian Welke, affirmed in part, reversed in part.*

Hawryluk v. Hawryluk, 366 So.3d 477 (Fla. 5th DCA 2023). Trial court reversed for entering a financial award that exceeds or nearly exhausts party’s

income. Here, court found Husband had a surplus of “at least \$6,000.00,” and ordered him to pay \$6,350 per month in attorney’s fees and alimony. *Judge Sandra S. Upchurch, affirmed in part, reversed in part.*

Bernardo v. Biemer, 360 So.3d 764 (Fla. 4th DCA 2023). Award of bridge-the-gap alimony reversed when wife makes more than husband, no imputation of income to husband, and husband does not have significant non-marital assets. Award of inequitable conduct fees remanded for trial judge to correlate billing records with inequitable conduct. *Judge Michael C. Heisey, affirmed in part, reversed in part.*

Reese v. Reese, 363 So.3d 1202 (Fla. 6th DCA 2023). Trial court erred by not making specific findings of need and ability to pay. Court also erred finding husband’s income was as stated on financial affidavit when he testified he had an additional \$5000 per month in income. Trial court affirmed for (i) denying continuance request made on day of trial, and (ii) allowing husband to make equalizing payment from retirement funds when no evidence of tax consequences presented. *Judge Kelly Butz, affirmed in part, reversed in part.*

Goodman v. Goodman, 363 So.3d 220 (Fla. 6th DCA 2023). Third appeal on this case, and third time the trial court failed to make finding of income for retroactive support. Court also erred finding assets given to wife for equitable distribution should be credited as alimony and included as income. *Judge John S. Carlin, reversed.*

Goldberg v. Goldberg, 357 So.3d 716 (Fla. 4th DCA 2023). Where it is not apparent trial court used net incomes to determine alimony, appellate court will reverse and remand for trial court to make appropriate findings. *Judge James L. Martz, affirmed in part, reversed in part.*

Kritzman v. Kritzman, 357 So.3d 205 (Fla. 3rd DCA 2023). Trial court erred imposing equitable lien to protect alimony without setting forth specific findings of special circumstances. *Judge Migna Sanchez-Llorens, affirmed in part, reversed in part.*

Lee v. Lee, 352 So.3d 420 (Fla. 2nd DCA 2022). Wife obtained divorce in Finland which did not address alimony. Trial court erred finding alimony had been waived and refusing to consider husband’s claim for alimony. *Judges James Shenko and John S. Carlin, affirmed in part, reversed in part.*

Mikler v. Mikler, 351 So.3d 1247 (Fla. 2nd DCA 2022). Trial court erred basing alimony amount on wife’s speculative testimony about her future expenses. *Judge Sharon M. Franklin, affirmed in part, reversed in part.*

Shobola v. Shobola, 355 So.3d 458 (Fla. 2nd DCA 2022). Trial court erred awarding three (3) years of alimony instead of two (2) as was provided in valid prenuptial agreement, and trial court's award of retroactive award made no sense without any findings. *Judge Carl C. Hinson, reversed in part, affirmed in part.*

Storandt v. Bryan, 351 So.3d 1191 (Fla. 1st DCA 2022). Trial court erred granting a prospective increase in alimony once marital house sold. A trial court is usually prohibited from considering a future unanticipated event when setting a current alimony award. *Judge Maureen Horkan, affirmed in part, reversed in part.*

Appeals:

Sadeh v. Calenzani, 48 Fla. L. Weekly D2341 (Fla. 3rd DCA 2023). *Pro se* mother could not prove error of imputed income or number of overnights without a transcript. *Judge Samantha Ruiz Cohen, affirmed.*

Scognamillo v. Jamison, 48 Fla. L. Weekly D2186 (Fla. 3rd DCA 2023). Alleged errors relating to factual findings not preserved when no motion for rehearing filed. Also, because there was no transcript, errors would have to be fundamental. *Judge Jason E. Dimitris, affirmed.*

Tomlin v. Buccasio, 48 Fla. L. Weekly D2146 (Fla. 1st DCA 2023). Judgment determining entitlement but not amount of attorney's fees not ripe for appeal. *Judge Mark E. Feagle, affirmed in part, appeal dismissed as to fee issue.*

Saenz v. Sanchez, 48 Fla. L. Weekly D2009 (Fla. 3rd DCA 2023). Writ of certiorari sought, but court treated it as writ of mandamus. Court erred concluding it had no jurisdiction to appoint attorney ad litem for child while appeal pending. In the absence of a stay, during the pendency of review of a non-final order, the lower tribunal may proceed with all matters including trial or final hearing. The only exception is the court cannot render final judgment.

Howard v. Howard, 370 So.3d 1039 (Fla. 1st DCA 2023). No basis for relief following appellant's purge of civil contempt order. There are no residual effects of a civil contempt order, and the order achieved its purpose. *Judge Gary L. Bergosh, appeal dismissed.*

Obermark v. Obermark, 48 Fla. L. Weekly D1891 (Fla. 5th DCA 2023). Order that says it is a final order and dismisses complaint without prejudice is a non-final order not subject to an interim appeal. *Judge Michael G. Takac, appeal dismissed.*

Boksa v. Hogan, 48 Fla. L. Weekly D1823 (Fla. 3rd DCA 2023). Appeal dismissed after numerous show cause orders and initial brief was devoid of record citations and legal authority for the second time. *Judge Bonnie J. Helms, appeal dismissed.*

Stivelman v. Stivelman, 48 Fla. L. Weekly D1738 (Fla. 3rd DCA 2023). Trial court lacked jurisdiction to quantify credits when underlying order was under appeal. *Judge Ivonne Cuesta, order on setoffs vacated.*

Vakulovska v. Vakulovskyi, 48 Fla. L. Weekly D1700 (Fla. 3rd DCA 2023). Untimely motion to amend judgment, filed past the fifteen-day deadline, does not toll time for appeal. Appellant's notice of appeal was therefore untimely. *Judge Marlene Fernandez-Karavetsos, appeal dismissed.*

Carter v. Meadows, 365 So.3d 1273 (Fla. 1st DCA 2023). Petition for writ of certiorari to quash a trial court's order. While appeal pending, trial court issued a supplemental final judgment, and appellant failed to notify appellate court. Appellate court upset appeal was not dismissed when underlying issue resolved.

Boggs v. Dept. of Revenue, 366 So.3d 1191 (Fla. 6th DCA 2023). Without a transcript, a party cannot challenge an administrative order that has no error on the face of the order. *Affirmed.*

Williams v. Williams, 366 So.3d 1159 (Fla. 5th DCA 2023). Order granting motion to stay is not an appealable non-final order per Fla. R. App. P. 9.130. Certiorari is not appropriate, as no irreparable harm. *Judge Gary L. Wilkinson, appeal dismissed.*

Sanz v. Saenz, 366 So.3d 1173 (Fla. 3rd DCA 2023). Motion for rehearing on non-final order is not authorized and does not toll time for appeal. *Judge Christina Marie DiRaimondo, appeal dismissed.*

Decius v. Decius, 366 So.3d 1092 (Fla. 4th DCA 2023). Fourth District Court of Appeal recedes from prior opinions treating pre-judgment contempt orders as appealable final orders. It is only appealable if sanctions fall within Fla. R. App. P. 9.130(a)(3). *Judge Ashley C. Zuckerman, appeal redesignated as petition for writ of certiorari.*

Hernandez v. Vidal, 354 So.3d 632 (Fla. 3rd DCA 2023). Without a record of the trial court proceedings, the appellate court cannot properly resolve underlying factual issues so as to conclude the trial court's judgment is not supported by the evidence or by an alternate theory. *Judge Ivonne Cuesta, affirmed in part, reversed in part.*

Bois v. Bois, 351 So.3d 40 (Fla. 4th DCA 2022). Appellant's appeal of entitlement to Fla. Stat. 57.105 fees premature when amount has not yet been determined. Other issues affirmed. *Judge Dina A. Keever-Agrama, affirmed in part.*

Diasolwa v. Burneikis, 351 So.3d 438 (Fla. 3rd DCA 2022). Appellant's claim of never receiving final judgment does not toll time for appeal. Party should have filed motion for relief from judgment under Fla. Fam. L.R.P. 12.540(b)(4). *Judge David Young, appeal dismissed.*

Attorney's Fees:

Alarcon v. Dagen, 48 Fla. L. Weekly D2096 (Fla. 3rd DCA 2023). Awards of attorney's fees in derogation of need/ability rubric should not extend to run-of-the-mill custody cases. Instead, they are reserved for the most egregious of litigation conduct. *Judge Abby Cynamon, reversed.*

Bratsch v. Bratsch, 377 So.3d 390 (Fla. 5th DCA 2023). Trial court erred denying wife's request for attorney's fees because she borrowed substantial sums for her parents without a promissory note, but showed evidence she was paying them back and no other evidence contradicted this notion. *Judge Robert Segal, affirmed in part, reversed in part.*

Ali v. Khan, 48 Fla. L. Weekly D1762 (Fla. 6th DCA 2023). Error to award attorney's fees based on conclusion it would be unjust to require former wife to pay fees without discussion of parties' finances. *Judge Diana M. Tennis, affirmed in part, reversed in part.*

Polo v. Hernandez, 48 Fla. L. Weekly D1739 (Fla. 3rd DCA 2023). Trial court's award of attorney's fees affirmed. However, finding that fees were in nature of support and non-dischargeable in bankruptcy court was premature. This is something bankruptcy court will decide by applying federal law. *Judge Ivonne Cuesta, affirmed and remanded.*

Mollerstrom v. Zambrana o/b/o M.M., 370 So.3d 331 (Fla. 4th DCA 2023). Trial court erred denying a post-dismissal request for costs per Fla. Fam. L.R.P. 12.420(c), declaring it as untimely. Even if request was under Fla. Stat. 61.16, it was still not untimely. *Judge Thomas J. Coleman, reversed.*

Nasef v. Eddy, 367 So.3d 537 (Fla. 4th DCA 2023). Order awarding attorney's fees that does not address whether hours expended were reasonable is reversible error. Trial court also erred finding father in contempt when that relief was not requested. *Judges Luis Delgado and Melanie Dale Surber, affirmed in part, reversed in part.*

Goulding v. Goulding, 368 So.3d 49 (Fla. 2nd DCA 2023). Fee order reversed. Attorney's fees may be awarded as a sanction, but the order must address contemnor's ability to pay. As for appellate fees awarded, order must

comment on other party's need. Other errors include *Perlow* issue. *Judge Elizabeth Jack, reversed.*

Ernfridsson v. Ward, 365 So.3d 1264 (Fla. 5th DCA 2023). Trial court erred denying attorney's fees when analysis limited to finding there was a short-term marriage with limited assets. Trial court must consider financial resources of parties and must make sufficient findings for appellate review. *Judge Jennifer Taylor, affirmed in part, reversed in part.*

Gable v. Gable, 367 So.3d 556 (Fla. 1st DCA 2023). In awarding attorney's fees, the trial court must make specific findings as to hourly rate, hours expended, and appropriateness of reduction or enhancement factors. *Judge William L. Wright, reversed.*

Wells v. Wells, 357 So.3d 224 (Fla. 2nd DCA 2023). Trial court erred awarding accountant fees based on affidavit of accountant. Affidavit was hearsay; accountant needed to testify. *Judge Lisa D. Campbell, reversed.*

Jessup v. Werner, 354 So.3d 605 (Fla. 1st DCA 2022). All paternity issues affirmed, except attorney's fees. If mother borrows money for her fees, that should be considered as financial resource of party when considering need. However, because amount of fees not adjudicated, it is not yet ripe for appellate review. *Judge John T. Brown, affirmed.*

McArdle v. McArdle, 354 So.3d 550 (Fla. 4th DCA 2023). Trial court reversed for holding former husband solely to basis actually pled in motion for attorney's fees. Even if party pleads incorrect basis for fees, as was the case here, it does not matter, as long as fees are plead for generally, party is on notice. *Judge Scott Kerner, reversed.*

Nunez v. Raona, 48 Fla. L. Weekly D49 (Fla. 5th DCA 2022). Because the trial court order awarding attorney's fees did not quantify the amount of the award, the appellate court lacks jurisdiction to review order. *Judge Michael Kraynick, appeal dismissed.*

Ramakrishnan v. Ramakrishnan, 353 So.3d 1247 (Fla. 5th DCA 2022). Order that awards entitlement to attorney's fees, but not amount of fees, not ripe for appellate review. *Judge Dan R. Mosley, appeal dismissed.*

Discovery:

Flynn v. Flynn, 357 So.3d 313 (Fla. 2nd DCA 2023). Trial court erred denying post-judgment discovery on assets awarded to husband in an enforcement action, when husband was not meeting his court-ordered financial obligations. Writ of certiorari granted. *Judge Allson Ellison, order quashed.*

Due Process:

Rankin v. Lounsbury, 48 Fla. L. Weekly D543 (Fla. 3rd DCA 2023). Husband complained trial court erred by granting wife sole decision-making authority over education and non-emergency medical care, when wife requested “shared parental responsibility if appropriate.” The issue of husband refusing to cooperate in joint decisions was extensively litigated, and decision is supported by undeniable competent and substantial evidence. *Judge Sharon I. Hamilton, affirmed.*

Maddox v. Maddox, 357 So.3d 270 (Fla. 2nd DCA 2023). Trial court violated company’s due process rights by awarding fifty percent (50%) of an oil filtration design concept when business had claim to it, and business was not included in lawsuit until after final judgment entered. Business was therefore deprived of the opportunity to be heard, to testify, and to present testimony. This is fundamental error. *Judge Christine A. Marlewski, affirmed in part, reversed in part.*

Bauerle v. Bauerle, 371 So.3d 969 (Fla. 5th DCA 2023). Because parties agreed in Marital Settlement Agreement that marina property would be transferred to family trust, former wife was barred by *res judicata* from seeking interest in marina property later. Former husband could not conceal a bankruptcy order as it is a public document accessible by the parties or their attorneys. *Judge Sandra C. Upchurch, reversed.*

Thornton v. Thornton, 358 So.3d 1229 (Fla. 4th DCA 2023). Trial court erred holding party in contempt on issues resolved by parental coordinator. *Judge Jennifer Alcorta Waters, affirmed in part, reversed in part.*

Varner v. Varner, 356 So.3d 312 (Fla. 5th DCA 2023). Trial court erred finding mother in contempt for failing to delivering child to father in Columbia county, when that was not in Parenting Plan or order. Court also erred finding mother in contempt for failing to return children to father when there was a criminal no contact order against the father that did not address visitation. *Judge Suzanne Bass, reversed.*

Cruz v. Matos, 356 So.3d 251 (Fla. 4th DCA 2023). When wife only requested payment of alimony since October 2020, court erred awarding enforcement on alimony that accrued prior to October 2020. *Judge Michael C. Heisey, reversed.*

T.W. v. T.H., 355 So.3d 499 (Fla. 2nd DCA 2023). Former husband could not be held in contempt for failing to pay educational expense that was previously found to be an extracurricular expense. If an order is not clear and unambiguous regarding what a party may or may not do, or what party must or must not do, then it cannot support a finding that it was intentionally violated. *Judge Teri Kaklis Dees, affirmed in part, reversed in part.*

Equitable Distribution:

Pringle v. Pringle, 48 Fla. L. Weekly D2341 (Fla. 3rd DCA 2023). Trial court affirmed for unequal distribution of mortgage after detailed discussion, with findings of husband's intentional misconduct. *Judge Jason E. Dimitris, affirmed.*

Aguilera v. Agustin, 48 Fla. L. Weekly D2115 (Fla. 4th DCA 2023). Appellant waived errors of failure to make required findings because he never sought rehearing. However, trial court valued vehicle at \$22,000 when parties had stipulated it was \$26,000, which did not require a motion for rehearing to preserve error. *Judge Michael C. Heisey, affirmed in part, reversed in part.*

Bernstein v. Bernstein, 48 Fla. L. Weekly D2100 (Fla. 4th DCA 2023). Trial court reversed for failing to distribute proceeds from sale of vehicle. Very lengthy concurring opinions on donative intent and burden of establishing enhancement of non-marital property. *Judge Scott Ryan Kerner, affirmed in part, reversed in part.* Replaces opinion at 48 Fla. L. Weekly D818b.

Strickland v. Strickland, 371 So.3d 1018 (Fla. 1st DCA 2023). Trial court erred finding marital appreciation in non-marital building, where there was no evidence that debt paydown on mortgage came from marital funds. *Judge Lacey Powell Clark, affirmed in part, reversed in part.*

Prince v. Honore, 368 So.3d 468 (Fla. 4th DCA 2023). Trial court erred when it valued marital home three (3) years after date of filing, when Court found date of filing was appropriate to use for valuation date. *Judge Maxine Chessman, affirmed in part, reversed in part.*

Rivera v. Rivera, 48 Fla. L. Weekly D1505 (Fla. 3rd DCA 2023). Trial court erred finding proceeds from sale of a non-marital property sold during pendency of divorce became marital. *Judge Stacy D. Glick, affirmed in part, reversed in part.*

Crocker v. Crocker, 370 So.3d 363 (Fla. 5th DCA 2023). Trial court erred equitably distributing husband's Federal Employee Retirement System (FERS) disability benefits. Benefits were for disability and not subject to equitable distribution. *Judge Angela M. Cox, reversed in part.*

Naranjo v. Ochoa, 366 So.3d 11 (Fla. 4th DCA 2023). Parties' decision to invest wife's inheritance is not sufficient marital effort to cause the appreciation to be marital. *Judge Laura Johnson, reversed.*

Gayer v. Nicita, 368 So.3d 533 (Fla. 6th DCA 2023). Trial court reversed because (i) tax credit given to wife not supported by record, (ii) court failed to distribute SBA loan incurred during intact marriage in equitable distribution, (iii) court failed to distribute credit card liability in equitable distribution, and (ix) inconsistencies between equitable distribution spreadsheet and written final judgment. *Judge Lisa S. Porter, affirmed in part, reversed in part.*

Pukin v. Pukin, 365 So.3d 493 (Fla. 6th DCA 2023). Trial court erred failing to classify \$11,500 loan from parents incurred during marriage as a marital liability. There was no rebuttal but for a snarky comment. *Judge John S. Carlin, affirmed in part, reversed in part.*

Franxman v. Franxman, 362 So.3d 333 (Fla. 1st DCA 2023). Trial court erred when it found \$2000 worth of AT&T stock was non-marital, when the only evidence in record was stock which was acquired during the parties' marriage and therefore presumed marital. *Judge Jeffrey E. Lewis, affirmed in part, reversed in part.*

Beauchamp v. Beauchamp, 364 So.3d 1146 (Fla. 6th DCA 2023). Trial court erred when it found wife's cash assets totaled \$78,000, when that amount included proceeds from sale of a boat. Alimony and denial of attorney's fees affirmed. *Judge Amy R. Hawthorne, affirmed in part, reversed in part.*

Douglas v. Douglas, 363 So.3d 157 (Fla. 4th DCA 2023). Trial court erred by failing to make findings on the record or in writing as to why it found certain properties to be marital or non-marital. Error is clear where nothing in record indicates why the trial court classified five (5) real properties as marital. *Judge Karen M. Miller, affirmed in part, reversed in part.*

Winrow v. Heider, 368 So.3d 1 (Fla. 4th DCA 2023). Trial court erred classifying HELOC as marital when parties signed prenuptial agreement that provided the property was non-marital. *Judge Laura C. Burkhart, affirmed in part, reversed in part.*

Brutus v. Giles, 360 So.3d 1223 (Fla. 5th DCA 2023). Court erred in using parties' separation as the date to classify what is marital. Court erred not equitably distributing student loans and other loans incurred during intact marriage. *Judge Brian Welke, affirmed in part, dismissed in part.*

Innocent v. Innocent, 361 So.3d 874 (Fla. 4th DCA 2023). Final judgment that states "Father's request for \$30,000 from mother's dissipation of marital assets is

granted” when court provides no further explanation, does not specify assets dissipated, and conflicts with court’s oral pronouncement. *Judge Natasha DePrimo, reversed.*

Leger v. Leger, 358 So.3d 1247 (Fla. 4th DCA 2023). All issues affirmed, but remanded back to court to include provision that equitable distribution must be distributed “in accordance with all federal laws and regulations” because there are radio stations that need to be transferred under FCC regulations. *Judge Karen Miller, affirmed and remanded.*

Dunkel v. Dunkel, 358 So.3d 806 (Fla. 3rd DCA 2023). Trial court erred charging husband with full amount of student debt for benefit of parties’ adult child and child from another marriage, when debt was marital liability incurred during marriage. *Judge Daniel F. Wilensky, affirmed in part, reversed in part.*

Sakow v. Blaylock, 352 So.3d 1274 (Fla. 1st DCA 2022). Trial court erred failing to grant former wife value of former husband’s retirement survivor benefits, after former husband violated numerous court orders requiring he list her as survivor beneficiary. A trial court may fashion remedy, including lump sum payment of retirement and survivor benefits. Further, former wife’s use of social security life expectancy calculator did not render estimation of value of benefits speculative. *Judge Dawn Caloca-Johnson, reversed.*

Cupo v. Cupo, 352 So.3d 888 (Fla. 4th DCA 2022). Military pension earned during the marriage must be included in equitable distribution, even if court is not presented value of plan in dollars. Court can still distribute pension based upon percentage. *Judge Frank D. Ledee, reversed.*

Cardarelli v. Cardarelli, 350 So.3d 766 (Fla. 4th DCA 2022). Former wife’s right to cost of living adjustment in Florida Retirement System pension is a vested statutory right accrued during marriage, and thus properly included in a QDRO. *Judge Renatha Francis, affirmed.*

Ford v. Ford, 351 So.3d 261 (Fla. 5th DCA 2022). Trial court’s order awarding credits reversed, as there are no findings of fact in the order, so it is impossible to determine how court calculated credits. *Judge Christopher A. France, affirmed in part, reversed in part.*

Hearn v. Hearn, 351 So.3d 658 (Fla. 2nd DCA 2022). Trial court erred finding marital waste concerning litigation and a settlement between the husband and his former employer that occurred before the marriage was irretrievably broken. Misconduct is not shown by mismanagement or simple squandering of marital assets in a manner in which the other spouse disapproves, rather there must be a finding of intentional misconduct based on evidence showing marital funds were used for one party’s own benefit, for a purpose not related to the marriage, at a

time when the marriage was undergoing irreconcilable breakdown. *Judge Jared E. Smith, affirmed in part, reversed in part.*

Lee v. Lee, 352 So.3d 420 (Fla. 2nd DCA 2022). Trial court erred failing to address parties' request for equitable distribution of marital assets and liabilities. *Judges James Shenko and John S. Carlin, affirmed in part, reversed in part.*

Rogers v. Rogers, 351 So.3d 1230 (Fla. 2nd DCA 2022). Trial court erred finding boat was non-marital gift from party's parent. Money for gift was deposited into a joint checking account, thus commingling the funds. Because of commingling, boat had transmuted to a marital asset. *Judge Kyle S. Cohen, affirmed in part, reversed in part.*

Estates:

Holley v. Erwin-Jenkins, 369 So.3d 1218 (Fla. 2nd DCA 2023). Former wife filed claim for unpaid support against former husband's estate. Estate sought affirmative defense of laches, as former wife waited over a decade to enforce. Mere delay in filing is not sufficient to establish laches. Further, former husband had unclean hands. Trial court reversed for finding laches prevented enforcement. *Judge Keith Meyer, reversed.*

Grandparent Visitation:

Green v. Farmer, 48 Fla. L. Weekly D1737 (Fla. 4th DCA 2023). Trial court erred granting temporary custody to extended family member when (i) grandparent was not caring for minor child when petition was filed, and (ii) no consent of parent existed. See Fla. Stat. 751.02(1)(a)–(b). *Judge Laurie E. Buchanan, reversed.*

E.L. v. A.L., 357 So.3d 792 (Fla. 2nd DCA 2023). Trial court erred terminating grandparent visitation by finding husband was fit, disregarding un rebutted expert testimony that father sexually abused the child. A trial court may reject un rebutted expert testimony when ruling on case, but may not do so arbitrarily—court must explain why such rejection is made. *Judge James A. Pierce, reversed.*

Income:

Allison v. Allison, 363 So.3d 1129 (Fla. 6th DCA 2023). Trial court improperly placed the burden of imputation on wrong party. Burden should be with party asserting underemployment and seeking imputation. *Judge G. Gregory Green, reversed.*

Holland v. Holland, 360 So.3d 1176 (Fla. 5th DCA 2023). Trial court erred imputing amount of income to wife which she never earned before, and excluding wife's medical expert on *Daubert* grounds when grounds did not support exclusion. Wife's forensic accountant properly excluded as witness when accountant had no final opinions two weeks before trial. *Judge Daniel F. Wilensky, affirmed in part, reversed in part.*

Varchetti v. Varchetti, 355 So.3d 435 (Fla. 4th DCA 2023). Trial court erred by failing to classify periodic payments awarded to former wife in Michigan divorce when determining income for child support modification, as uniform support order clearly classified these payments as alimony. Court also erred by failing to impute former wife's recent income earned in the calculations. Also, agreement said each party would pay their own future attorney's fees. Dissent on this issue. *Judge Janet Croom, affirmed in part, reversed in part.*

Injunctions:

Kuschnitzky v. Marasco, 40 Fla. L. Weekly D2262 (Fla. 1st DCA 2023). Injunction against sexual violence reversed. Victim calling police, asking about options anonymously, and failing to disclose crime did not meet statutory condition precedent of reporting crime to law enforcement and cooperating with them. Strong dissent. *Judge Dawn Caloca-Johnson, reversed.*

Potts v. Lewis, 372 So.3d 322 (Fla. 2nd DCA 2023). Respondent sending petitioner and other acquaintances texts regarding his belief petitioner was acting as an unlicensed general contractor and should repent did not constitute substantial emotional distress. *Judge Doneene Loar, reversed.*

Garrison v. Williamson, 372 So.3d 1275 (Fla. 5th DCA 2023). Trial court reversed for entering injunction after respondent was served just one day before hearing and sought a continuance which was denied. Parties in an injunction proceeding have full due process rights. To be fair, notice must be of such nature as to reasonably convey the required information, and it must afford a reasonable time for those interested to make an appearance. *Judge Michelle T. Morley, reversed.*

Sheermohamed v. Tozzi, 373 So.3d 355 (Fla. 4th DCA 2023). Trial court erred dissolving injunction when no change of circumstances was demonstrated, and trial court relied on a biased psychiatrist. *Judge William W. Haury, Jr., reversed.*

In Re: Amendments to Florida Supreme Court Approved Family Law Forms 12.980(a), 12.980(f), 12.980(n), 12.980(q), and 12.980(t), 370 So.3d 890 (Fla. 2023). Adds *Greyson's Law* factor to domestic violence injunctions. Court must consider whether respondent has engaged in a pattern of abusive, threatening, intimidating, or controlling behavior composed of a series of acts over a period of time, however short, that demonstrates continuing purpose.

Malone v. Malone, 368 So.3d 1057 (Fla. 1st DCA 2023). Trial court's finding that respondent made false report of abuse against petitioner was not sufficient to support stalking injunction. Petitioner failed to prove harassment; he did not show conduct was directed specifically at him and that the reports served no legitimate purpose. Petitioner was not in imminent danger of being a victim of domestic violence. Although injunction had expired, appeal is not moot. Appellate courts routinely consider appeals from expired domestic violence injunctions due to the collateral consequences that can flow therefrom. *Judge John T. Brown, reversed.*

Doe v. Days, 365 So.3d 1274 (Fla. 1st DCA 2023). Legislation has directed trial courts to set a hearing when a petition for injunction against stalking is filed per Fla. Stat. 784.0485(4). Trial court reversed for denying stalking petition without a hearing. *Judge Robert K. Groeb, reversed.*

Kaye v. Wilson, 363 So.3d 1155 (Fla. 2nd DCA 2023). Trial court erred extending domestic violence injunction based on allegations of stalking, when petitioner offered no evidence of substantial emotional distress or reasonable fear of imminent domestic violence. *Judge Hunter W. Carroll, reversed.*

Pipher v. Pipher, 364 So.3d 1134 (Fla. 6th DCA 2023). Trial court affirmed for determining credibility of witness. It is well-established that the appellate court does not re-weigh the evidence nor the credibility of a witness. *Judge Amy Hawthorne, affirmed.*

Blanco v. Santana, 363 So.3d 1215 (Fla. 6th DCA 2023). Trial court did not err considering facts not in petition, when respondent failed to object. *Judge Elisabeth Adams, affirmed.*

Klein v. Manville, 363 So.3d 1163 (Fla. 6th DCA 2023). Permanent stalking injunction affirmed, when respondent created social media accounts and web domains registered in respondent's name, and then tried to sell them back to the respondent. Court also affirmed for requiring respondent to complete batterer's intervention program. *Judge Kyle S. Cohen, affirmed.*

Larios v. Larios, 359 So.3d 1224 (Fla. 3rd DCA 2023). Court erred failing to dissolve indefinite domestic violence injunction, when injunction was entered in 2004 and no longer served a valid purpose, as there was no evidence petitioner was in imminent fear. *Judge Carlos H. Gamez, reversed.*

Spencer v. Kelner, 357 So.3d 166 (Fla. 4th DCA 2023). Trial court erred proceeding with injunction hearing where respondent was served the day before the hearing. Florida courts have routinely held that service made to a party only a few days or less before an adversarial hearing on the merits if not an emergency, does not constitute fair and reasonable notice. *Judge Stefanie C. Moon, judgment vacated.*

Woods v. Woods, 360 So.3d 768 (Fla. 5th DCA 2023). Trial court affirmed for denying request for permanent domestic violence injunction, when court found domestic violence occurred, but it was too remote in time to support imminent danger of becoming a victim. *Judge Robert Segal, affirmed.*

Fingers v. Fingers, 535 So.3d 1283 (Fla. 5th DCA 2023). Threats from over one (1) year ago are too remote to establish imminent danger necessary for entry of domestic violence injunction if there are no other allegations of current violence. *Judge Sandra C. Upchurch, reversed.*

Fay v. Carter, 351 So.3d 263 (Fla. 5th DCA 2022). Error to dismiss injunction against domestic violence because alleged violence happened in another state. Per Fla. Stat. 741.30(1)(j), petition can be filed in county where petitioner or respondent lives, or where alleged violence happened. *Judge Nancy Alley, reversed.*

Quinn v. Calkins, 355 So.3d 954 (Fla. 4th DCA 2023). Trial court erred extending injunction when petitioner presented no evidence, and her fear was not objectively reasonable. *Judge Cynthia L. Cox, reversed.*

Coons v. Henderson, 354 So.3d 1174 (Fla. 1st DCA 2023). Stalking injunction reversed when respondent had a legitimate use to install cameras pointed at petitioner-neighbor's property. *Judge John T. Brown, reversed.*

Jurisdiction:

Litsch v. Litsch, 372 So.3d 315 (Fla. 5th DCA 2023). Florida court erred ceding jurisdiction to Illinois court in post-judgment action, concluding Illinois was home state of child. Under UCCJEA, the determination of home state only applies to initial proceedings. *Judge Matthew M. Foxman, reversed.*

Beehler v. Beehler, 351 So.3d 1257 (Fla. 1st DCA 2022). Trial court affirmed for declining to transfer case to another state (Idaho) via *forum non conveniens*, when Florida had exclusive continuing jurisdiction and father still had ties to Florida. *Judge Daniel F. Wilensky, affirmed.*

Life Insurance:

Aronoff v. Aronoff, 355 So.3d 952 (Fla. 4th DCA 2023). Trial court erred requiring husband to maintain \$7 million of life insurance and name wife beneficiary of fifty percent (50%) until child emancipates, when no findings of availability or cost to husband. *Judge Frank Ledee, affirmed in part, reversed in part.*

Modification:

Mitchell v. Ahmed, 48 Fla. L. Weekly D2349 (Fla. 1st DCA 2023). Trial court lacked jurisdiction to modify final judgment and create a new Parenting Plan to detail how minor children would visit former husband in jail at post-judgment hearing, now that former husband was incarcerated yet never actually requested a modification of timesharing. *Judge Joshua M. Hawkes, reversed.*

Suarez v. Suarez, 48 Fla. L. Weekly D2117 (Fla. 4th DCA 2023). Trial court erred refusing to terminate alimony retroactive to date of filing, and for offsetting alimony arrearage with child support arrearage. *Judge Dale C. Cohen, affirmed in part, reversed in part.*

Allaire v. Allaire, 371 So.3d 992 (Fla. 2nd DCA 2023). Fact that former husband would be financially devastated if he lost his only client was foreseeable, but was not contemplated in the parties' settlement agreement. Court erred denying modification. *Judge Joshua Riba, reversed.*

Harrington v. Kemp, 369 So.3d 775 (Fla. 2nd DCA 2023). Trial court erred denying modification due to change in party's income based on finding former husband is willing to pay and historically has met child's needs. *Judge Denise A. Pomponio, reversed.*

Mango v. Mango, 370 So.3d 370 (Fla. 5th DCA 2023). Trial court only required to consider Fla. Stat. 61.08 alimony factors if it first determines that petitioner has established change in circumstances or financial abilities that warrants modification of alimony. *Judge James H. Earp, affirmed.*

Vuchinich v. Vuchinich, 373 So.3d 15 (Fla. 2nd DCA 2023). Trial court erred denying alimony modification without resolving factual issue of former husband's income at time alimony was set. *Judge Kimberly Carlton Bonner, affirmed in part, reversed in part.*

Mannella v. Mannella, 363 So.3d 236 (Fla. 6th DCA 2023). Opinion clarified the "heavier burden" to modify child support originally agreed to, which was superseded by statute Fla. Stat. 61.14(7). Conflict certified with Second, Third, and Fourth District Courts of Appeal, who are still applying heavier burden. *Judge John C. Carlin, affirmed.*

Stivelman v. Stivelman, 355 So.3d 1021 (Fla. 3rd DCA 2023). A trial court must make requisite statutory findings under Fla. Stat. 61.08(2) in "full recitation" to allow for appellate review of abuse of discretion in alimony modification. *Judge Ivonne Cuesta, reversed.*

R.B. v. B.T., 353 So.3d 711 (Fla. 2nd DCA 2023). Trial court erred by denying father's petition to modify support based on relying on unpled, unbiased, and unargued "unclean hands" defense. *Judge Wesley D. Tibbals, reversed.*

Alence v. Matheson, 351 So.3d 1265(Fla. 2nd DCA 2022). Trial court erred dismissing former wife's petition for modification. When 2015 modification was entered, it was known that the former husband was a pedophile. The former wife alleged that, since 2015 modification, the former husband had engaged in risky behaviors and course of conduct with respect to the children's education and healthcare, which was sufficient to state a cause of action for modification. *Judge Helene Daniel, reversed.*

Branham v. Branham, 351 So.3d 1245 (Fla. 5th DCA 2022). Trial court erred in finding that former husband can continue to pay alimony from proceeds of sold real estate, but error was harmless as former husband left his job voluntarily and is therefore not entitled to a reduction in alimony. *Judge Alicia R. Washington, affirmed.*

Girard v. Girard, 351 So.3d 27 (Fla. 4th DCA 2022). Trial court erred imputing income to the former wife at modification trial, when no income was imputed to wife as part of divorce final judgment, and there was no substantial change of circumstances. *Judge Cynthia L. Cox, affirmed in part, reversed in part.*

Name Change:

Franxman v. Franxman, 362 So.3d 333 (Fla. 1st DCA 2023). Matter remanded back to trial court to address petitioner's request for restoration of her maiden name. Fla. Sta. 68.07(1) and (9) provides family courts with jurisdiction to change the name of any person, and normal restrictions do not apply in dissolution cases. *Judge Jeffrey E. Lewis, affirmed in part, reversed in part.*

In Re: Y.M.X, 360 So.3d 421 (Fla. 4th DCA 2023). Trial court affirmed for denying name change when petition only contains conclusory allegations and does not demonstrate how best interests of child would be served. Trial court erred denying rehearing when attached affidavits demonstrated, in great detail, how changing name would benefit child. *Judge Karen Miller, affirmed in part, reversed in part.*

Parenting:

Quiceno v. Bedier, 48 Fla. L. Weekly D1702 (Fla. 3rd DCA 2023). Trial court erred granting timesharing and parental responsibility to a party who is not a biological or adoptive parent, when no finding of parental unfitness or substantial risk of demonstrated harm to the child. *Judge Stacy D. Glick, reversed.*

Russell v. Aronowicz, 48 Fla. L. Weekly D1396 (Fla. 3rd DCA 2023). Trial court affirmed for modifying timesharing and granting former husband majority timesharing when former wife could not provide for the child’s mental health needs. No transcript and no error on face of judgment. *Judge Ivonne Cuesta, affirmed.*

Tucker v. Tucker, 368 So.3d 479 (Fla. 5th DCA 2023). Trial court affirmed for awarding supervised timesharing with no concrete steps on how to reestablish. Trial court also affirmed for awarding sole parental responsibility when there is domestic violence. Alcohol-related mandates untethered to best interests of the child are abuse of discretion. *Judge Suzanne Bass, affirmed in part, reversed in part.*

Pukin v. Pukin, 365 So.3d 493 (Fla. 6th DCA 2023). Parenting Plan with shared parental responsibility remanded back to trial court when it failed to contain a provision that either party may consent to mental health treatment of a child per Fla. Stat. 61.13(2)(b)(3)(a). *Judge John S. Carlin, affirmed in part, reversed in part.*

Brutus v. Giles, 360 So.3d 1223 (Fla. 5th DCA 2023). Timesharing provision providing “the parents shall alternate one week on and one week off, exchange on Monday, with parent starting visitation starting timesharing by picking up child from school or bus stop, and regular timesharing for entire year (no holiday)” is too general and undetailed. Court also erred by failing to specify how parents should be responsible for child’s daily tasks, who is responsible for health and education decisions, and the means for the parties to communicate with child. *Judge Brian Welke, affirmed in part, dismissed in part.*

Mooningham v. Mooningham, 359 So.3d 888 (Fla. 5th DCA 2023). Trial court erred modifying final judgment and granting ultimate decision-making authority over child’s education and non-emergency medical without a finding of detriment, and matter not properly noticed as modification at hearing. *Judge Joan Anthony, reversed.*

Torres v. Arias, 356 So.3d 257 (Fla. 4th DCA 2023). Paternity judgment reversed because provisions in judgment conflicted with provisions in attached parenting plan. Judgment ordered shared parental responsibility, but failed to allow either party to seek mental health treatment for child pursuant to Fla. Stat. 61.13(2)(b)(3)(a). Court also prorated expense when petition only asked for base support, and court denied father’s request to add his name to child’s birth certificate per Fla. Stat. 382.013(3)(b). *Judge Maxine Chessman, affirmed in part, reversed in part.*

Coe v. Rautenburg, 358 So.3d 24 (Fla. 4th DCA 2023). Trial court erred by failing to address holiday timesharing and retroactive support. Court also made mathematical error in addressing equitable distribution. *Judge Scott P. Kerner, affirmed in part, reversed in part.*

N.B. v. R.V., 353 So.3d 1269 (Fla. 2nd DCA 2023). Trial court affirmed when providing for change in timesharing when child reaches kindergarten. Distinguishes *Arthur*, 54 So. 3d 454 (Fla. 2020), because here court applied child's best interest at time of final hearing to an event that is reasonably and objectively certain to occur at an identifiable time in the future. *Judge Kelly A. Ayers, affirmed.*

Allyn v. Allyn, 351 So.3d 1228 (Fla. 2nd DCA 2022). Trial court erred delegating authority to fashion timesharing to non-party therapist. *Judge Lisa Porter, affirmed in part, reversed in part.*

Paternity:

McClam v. Carrier, 373 So.3d 363 (Fla. 4th DCA 2023). Trial court erred denying mother's emergency motion for pickup from father because there was a voluntary acknowledgment of paternity in the case which carried with it custody rights and parties entered into an agreement concerning custody that was not adopted by court. In cases where parents are not married, mother is natural guardian until court enters order stating otherwise. *Judge Karen M. Miller, reversed.*

Moritz v. Stonecipher, 357 So.3d 171 (Fla. 4th DCA 2023). Trial court erred granting father's emergency motion to compel mother to re-enroll child in previous school after mother moved and changed schools, because this was a paternity case and there was not an order entered establishing father's parental rights. *Judge James Martz, reversed.*

Partition:

Blew v. Blew, 358 So.3d 1232 (Fla. 4th DCA 2023). Trial court erred partitioning marital residence before final judgment. While parties are married, property is owned as tenants in the entireties, and cannot be partitioned. *Judge Brett M. Waronicki, reversed.*

Procedure:

In Re: Amendments to Florida Rules of Appellate Procedure 9.020 and 9.400, 48 Fla. L. Weekly S262 (Fla. 2023). Motion to vacate orders issued by general magistrates under Fla. Fam. L.R.P. 12.490 added to list of motions that toll time for appeal.

Scott v. Scott, 48 Fla. L. Weekly D2271 (Fla. 5th DCA 2023). Husband petitioned for writ of certiorari on order requiring him to reinstate wife's business credit card. Husband claimed trial court could not compel this, as credit card was owned by business and business was not a party to lawsuit. However, because husband could not prove irreparable harm, writ was dismissed. *Judge Jennifer Opel Taylor, writ of certiorari dismissed.*

Alarcon v. Dagen, 48 Fla. L. Weekly D2145 (Fla. 3rd DCA 2023). Trial court affirmed for awarding father majority of timesharing and ultimate decisionmaking authority, even though father had not requested it in his pleadings, as mother never made that objection at trial. Issue was tried by consent. *Judge Abby Cynamon, affirmed.*

Darling-Ill v. Ill, 48 Fla. L. Weekly D2115 (Fla. 4th DCA 2023). Trial court denying motion to enforce payment required in prenuptial agreement because parties were in arbitration was not a final determination that would bar re-litigation due to *res judicata*. *Judge Karen M. Miller, reversed.*

Heath v. Lee, 372 So.3d 1283 (Fla. 1st DCA 2023). Former husband's petition for modification contained sufficient findings to survive motion for summary judgment. *Judge John L. Miller, reversed.*

In Re: Amendments to Florida Supreme Court Approved Forms 12.902(k) and 12.902(l), 373 So.3d 283 (Fla. 2023). New forms for Notice of Joint Verified Waiver of Filing Financial Affidavit and Affidavit of Income for Child Support.

In Re: Amendments to Florida Rule of Civil Procedure 1.530 and Florida Family Law Rule of Procedure 12.530, 48 Fla. L. Weekly S203 (Fla. 2023). Further amends Fla. Fam. L.R.P. 12.530 which requires a motion for rehearing to preserve appellate rights by replacing "sufficiency of trial court findings" with "failure to make required findings."

Gatchell v. Kryvosheia, 370 So.3d 374 (Fla. 5th DCA 2023). You cannot appeal an order adopting magistrate's report without seeking to vacate order first per Fla. Fam. L.R.P. 12.490(e)(3). *Judge Jennifer Opel Taylor, affirmed.*

In Re: Amendments to Florida Family Law Rules of Procedure, 370 So.3d 938 (Fla. 2023). Amends Fla. Fam. L.R.P. 12.070(f) to make time for service applicable to supplemental pleadings, clarifies redaction of financial documents required only when filed with the clerk, and clarifies requirements for serving answers to interrogatories.

In Re: Amendments to Family Law Rules of Procedure 12.285 and Forms 12.902(k) and 12.902(f), 369 So.3d 223 (Fla. 2023). New form for Notice of Joint Verified Waiver of Filing Financial Affidavit.

Hason v. Hason, 369 So.3d 1192 (Fla. 2nd DCA 2023). Interesting discussion of the court's inherent authority. *Judge Frederick L. Pollack, reluctantly affirmed.*

King v. Giardina, 368 So.3d 546 (Fla. 1st DCA 2023). Appellant sought review of temporary injunction but failed to present a transcript. *Judge Mark E. Feagle, affirmed.*

Hakim v. Hakim, 368 So.3d 1070 (Fla. 3rd DCA 2023). Writ of certiorari on order allowing discovery of mental health records denied when objecting party repeatedly and specifically placed his mental and physical health at issue when seeking relief from the Court. *Judge Abby Cynamon, order undisturbed.*

In Re: Amendments to Florida Supreme Court Approved Family Law Form 12.915, 370 So.3d 286 (Fla. 2023). Designation of Current Mail and Email Address form amended to reflect that email is required from the unrepresented unless excused by court.

Stephens v. Stephens, 368 So.3d 1036 (Fla. 1st DCA 2023). Trial court erred denying motion for relief from judgment for excusable neglect when matter was set for a day when trial attorney emailed he had a conflict, then caught pneumonia, then missed trial. *Judge Timothy Register, order vacated and remanded.*

Chamberlain v. Degner, 368 So.3d 1039 (Fla. 1st DCA 2023). Trial court abused discretion granting relief from judgment, when party was not properly served with order setting trial and court awarded relief beyond what was requested. Because party had actual knowledge of trial and chose not to participate, due process was not violated. Further, former wife's petition alleged facts that encompassed granting sole parental responsibility. *Judge Susanne Wilson Bullard, reversed.*

Gay v. Gay, 367 So.3d 1273 (Fla. 5th DCA 2023). Trial court erred denying motion for protection on wife's new husband's finances. Certiorari review requires (i) trial court departing from essential requirements of the law, (ii) petitioner will suffer material injury, and (iii) no adequate remedy. Seeking new spouse's financial information meets all three. Writ of certiorari granted. *Judge Lester Bass, order quashed.*

Hyatt v. Zimmerman, 48 Fla. L. Weekly D1424 (Fla. 4th DCA 2023). Trial court had jurisdiction to order former wife to dissolve trust and compel her to quitclaim title of marital home to husband's estate, even though trial court did not have

jurisdiction over trustee. Court's *in personam* jurisdiction alone provides authority to determine equitable rights of parties. *Judge Frank Ledee, affirmed.*

In Re: Amendments to the Florida Rules for Qualified and Court Appointed Parental Coordinators, 367 So.3d 1206 (Fla. 2023). Updated parental coordinator rules.

Pyrinova v. Doyle, 363 So.3d 175 (Fla. 4th DCA 2023). Trial court reversed for enjoining funds in a paternity matter with no bond or explanation why injunction is being entered. *Judge Natasha DePrimo, reversed.*

King v. King, 363 So.3d 1099 (Fla. 4th DCA 2023). Trial court reversed when it signed proposed order verbatim, including grammatical and spelling errors and conflicting paragraphs. *Judge Renatha S. Francis, reversed.*

Eadie v. Gillis, 363 So.3d 1115 (Fla. 5th DCA 2023). Party's argument that make-up time awarded was not requested in pleadings fails, when other party requested compensatory timesharing and matter was tried by consent. *Judge Brian Welke, affirmed.*

Wisheart v. Wisheart, 361 So.3d 953 (Fla. 5th DCA 2023). Trial court always has inherent jurisdiction to enforce a previously entered order, even if court does not reserve jurisdiction to enforce. *Judge Kathryn M. Speicher, affirmed in part, reversed in part.*

Valcarcel v. Valcarcel, 361 So.3d 388 (Fla. 4th DCA 2023). Trial court erred denying motion to vacate magistrate's report without a hearing. *Judge Francis Viamontes, reversed.*

Domnin v. Domnina, 361 So.3d 382 (Fla. 4th DCA 2023). Trial court erred denying motion to disqualify when court did not afford party opportunity to present their case at temporary relief. *Judge Michael Davis, writ of prohibition granted.*

Viera v. Viera, 365 So.3d 427 (Fla. 3rd DCA 2023). Trial court affirmed for denying multiple disqualification motions. Court reversed in part on giving wife three (3) years to refinance parties' mortgage to remove husband from same. Wife filed confession of error. Court should not grant more than two (2) years to refinance. *Judges Stacy D. Glick and Christina Marie DiRaimondo, affirmed in part, reversed in part.*

Fulcher v. Allen, 363 So.3d 1173 (Fla. 6th DCA 2023). Trial court erred modifying custody at a case management conference where relief was not noticed. *Judge John S. Carlin, reversed.*

Tucker v. Tucker, 359 So.3d 355 (Fla. 4th DCA 2023). Final judgment is confusing and inconsistent. Alimony remanded as it appears court awarded \$9,630 in alimony when Husband's income was \$15,464, and there were no findings of exceptional circumstances that would justify award. Also, judgment says parties are to split proceeds equally, but attached distribution schedule gives proceeds to one party. *Judge Maxine Cheesman, affirmed in part, reversed in part.*

In Re: Amendments to the Rule of Civil Procedure 1.530 & Florida Family Law Rule of Procedure 12.530, 48 Fla. L. Weekly S69 (Fla. 2023). Clarifies motion for rehearing is required to preserve objection of insufficient findings of fact in a final judgment.

Rosen v. Rosen, 358 So.3d 775 (Fla. 4th DCA 2023). Trial court reversed for significantly rewriting parties' settlement agreement. *Judge James Martz, reversed.*

Waite v. Milo-Waite, 358 So.3d 768 (Fla. 4th DCA 2023). Trial court erred making findings that conflicted with parties' pretrial stipulation and partial settlement agreement. Court also erred when trying the issue of whether husband concealed his income, when the parties' pretrial stipulation listed the only issue for determination was the wife's income. *Judge Renatha Francis, reversed.*

Dussan v. Zoghbi, 359 So.3d 388 (Fla. 3rd DCA 2023). Under the circumstances of this case, the trial court erred in denial of continuance and exclusion of all of wife's exhibits. *Judge Ivonne Cuesta, reversed.*

White v. Morris, 361 So.3d 392 (Fla. 1st DCA 2023). Party waived right to appeal order from magistrate's report when party did not first seek review of report before circuit judge by way of motion to vacate or exceptions. *Judge Brandon J. Young, affirmed.*

Stephanos v. Stephanos, 357 So.3d 1230 (Fla. 4th DCA 2023). Trial court affirmed for not addressing party's claims of unjust enrichment and breach of contract on remand, when party never obtained a ruling on their claim while matter pending before trial court, rendering such claim abandoned. *Judge Laura C. Burkhardt, affirmed.*

Erren v. Marin, 357 So.3d 716 (Fla. 4th DCA 2023). Writ of prohibition granted on denial of motion for disqualification, which was legally sufficient. The fact that court signed a verbatim ex-parte order and made findings of fact at a non-evidentiary hearing, was sufficient to create a well-founded fear that former wife would not receive fair and impartial adjudication. *Judge Darren Shull, reversed.*

Delgado v. Miller, 358 So.3d 801 (Fla. 3rd DCA 2023). Writ of prohibition filed after denial of mother's eighth motion for disqualification. Limited judicial resources

demand vigilance in thwarting any potential misuse of disqualification motions for strategic reasons. Standard of review of motion to disqualify successor judge is abuse of discretion. Prohibition does not lie unless “the record clearly refutes the successor judge’s decision to deny the motion.” In this case, motion was based on Court’s finding in 56-page order that mother’s “writing style is histrionic” and mother “is directing this litigation.” A judge’s adverse ruling or factual findings following an evidentiary hearing cannot ordinarily serve as basis for disqualification. *Writ of prohibition denied.*

In Re: Amendments to the Florida Supreme Court Approved Forms, 358 So.3d 1188 (Fla. 2023). New forms for grandparent visitation.

Edmonds v. Edmonds, 363 So.3d 213 (Fla. 6th DCA 2023). Where a party files exceptions to the magistrate’s report, it is reversible error for a trial court to fail to conduct a hearing on the exceptions before entering an order on the report. *Judge James D. Sloan, affirmed in part, reversed in part.*

Walker v. Wallace, 357 So.3d 708 (Fla. 3rd DCA 2023). A person found in contempt cannot challenge the contempt order on the ground the underlying order is legally erroneous. *Judge Cheryl A. Caracuzzo, affirmed.*

Padron v. Padron, 356 So.3d 306 (Fla. 3rd DCA 2023). Trial court exceeded jurisdiction by *sua sponte* vacating portion of final judgment sixty (60) days after entry. After entry of final judgment and expiration of time to file for rehearing or for a new trial, the court loses jurisdiction unless jurisdiction reserved for that issue, or the issue is allowed to be considered post judgment. “Writ of prohibition” is the appropriate remedy to prevent Court from proceeding over a case which it no longer has jurisdiction. *Writ of prohibition granted.*

Lyons v. Steiner, 356 So.3d 898 (Fla. 5th DCA 2023). Trial court erred by barring *pro se* litigant from further filings in post-judgment paternity issue without providing him notice and opportunity to be heard. *Judge Christopher A. France, order quashed.*

Childs v. Cruz-Childs, 353 So.3d 119 (Fla. 2nd DCA 2022). Trial court properly ordered psychological evaluation when party’s mental condition was “in controversy” and court found “good cause,” but court erred by failing to specify the time, place, manner, conditions, scope of evaluation, and person by whom it is made. Open-ended orders that fail to provide specific directives regarding psychological evaluations depart from the essential requirements of law. *Judge Jared E. Smith, affirmed in part, reversed in part.*

Crane v. Crane, 353 So.3d 702 (Fla. 3rd DCA 2023). Trial court affirmed for granting psychological evaluation after finding party’s mental health was at issue and good cause existed. Fact that social investigation was ordered days after

motion was filed did not create irreparable harm necessary for writ of certiorari. *Judge Christina Marie DiRaimondo, affirmed.*

Fendrich v. Murphy, 4353 So.3d 1194 (Fla. 4th DCA 2023). Trial court erred failing to accept parole evidence, when Marital Settlement Agreement required parties to divide child's college expenses. A party seeking to introduce parole evidence must first establish a contract term is ambiguous, meaning the term is rationally susceptible to more than one construction. A latent ambiguity exists where contract language is understandable, but fails to specify party's rights or duties. A court must hear parole evidence if latent ambiguity exists. *Judge Renatha Frances, reversed.*

Lanigan v. Lanigan, 353 So.3d 1188 (Fla. 4th DCA 2023). Trial court reversed for freezing proceeds. This is akin to injunctive relief and requires: (i) irreparable harm, (ii) no adequate remedy available, (iii) substantial likelihood of success on merits, and (ix) injunction would serve public interest. *Judge Michael Davis, affirmed in part, reversed in part.*

Periannan v. Kuppusamy, 353 So.3d 1266 (Fla. 2nd DCA 2023). Trial court affirmed on all issues, but matter remanded back for court to include exhibit "C" to fix scrivener's error of missing attachment. *Judge Jennifer X. Gabbard, affirmed.*

Higgins v. Higgins, 351 So.3d 1249 (Fla. 2nd DCA 2022). Trial court erred denying wife's motion for continuance of remote trial when wife had a bad internet connection. Denial of continuance deprived wife of due process right to be heard. *Judge Amy R. Hawthorne, affirmed in part, reversed in part.*

King v. Escobar, 352 So.3d 26 (Fla. 4th DCA 2022). Trial court's order compelling compulsory psychological examination failed to specify length, subject matter of evaluation, or type of testing to be conducted. This type of open-ended order departs from the essential requirements of law, and results in a miscarriage of justice because it grants doctor 'carte blanche' to perform any type of psychological inquiry, testing, and/or analysis. *Judge Natasha DePrimo, order quashed.*

Lee v. Lee, 352 So.3d 420 (Fla. 2nd DCA 2022). Trial court erred by failing to consolidate a partition action with a divorce action, even when the partition matter was close to trial. When the two actions involve same questions of law and fact in question, the administration of justice is best served by an order that averts the piecemeal handling of claims between parties. *Judges James Shenko and John S. Carlin, affirmed in part, reversed in part.*

Levy v. Levy, 352 So.3d 435 (Fla. 3rd DCA 2022). Motion to disqualify counsel properly denied, when motion was unprofessional and unfair, and there was a complete and total failure of proof of any allegations set forth. *Judge Jason E. Dimitris, affirmed.*

Relocation:

Ayala v. Vega, 365 So.3d 1175 (Fla. 4th DCA 2023). Trial court affirmed for granting father's request for relocation and modifying Parenting Plan so mother has majority timesharing. Father's argument that mother did not request relief fails when mother requested majority timesharing in answer, and matter tried by consent. *Judge Mariya Weekes, affirmed.*

Pun v. Pun, 363 So.3d 1113 (Fla. 1st DCA 2023). Order denying relocation affirmed when review of record reveals no evidence that the trial court applied a presumption in favor or against relocation. *Judge Joshua M. Hawkes, affirmed.*

Davis v. Davis, 363 So.3d 1213 (Fla. 6th DCA 2023). Judgment granting modification and relocation reversed and remanded, when no findings that change in circumstances was material or unanticipated. *Judge John S. Carling, reversed and remanded.*

Lojares v. Silva, 353 So.3d 699 (Fla. 1st DCA 2023). Unwed mother did not need to request relocation prior to paternity action being instituted. *Judge Robert K. Groeb, reversed.*

Support:

Parris v. Israel, 48 Fla. L. Weekly D2320 (Fla. 2nd DCA 2023). Trial court did not err refusing to add interest to retroactive child support when there was never an arrearage. *Judge Kelly A. Ayers, affirmed.*

State of Florida v. Delva, 48 Fla. L. Weekly D2239 (Fla. 3rd DCA 2023). Trial court erred in quashing administrative support order rather than entering a superseding order directing prospective duties as it nullified Father's unpaid support obligation. *Judge Ivonne Cuesta, reversed.*

Dept. of Revenue v. E.P., 48 Fla. L. Weekly D2095 (Fla. 2nd DCA 2023). In light of Fla. Stat. 61.30(17), if a child who has turned eighteen (18) years old lived with and been supported by a parent before the age of eighteen (18), the parent the child lived with could still be entitled to up to twenty-four (24) months of retroactive support. *Administrative order reversed.*

Nepola v. Nepola, 48 Fla. L. Weekly D2022 (Fla. 4th DCA 2023). Holding that child support guidelines need not be attached to judgments if they are otherwise included within the record—Fla. Fam L.R.P. 12.285(k) “does not contain any language indicating the guidelines worksheet must be physically attached to the order.” In this case, no guidelines in record, so reversed. *Judge Frank Ledee, reversed.*

T.T.L. v. F.A.L., 367 So.3d 1257 (Fla. 2nd DCA 2023). Trial court erred deviating from support guidelines by fifty percent (50%). “Good fortune” case where Father avoided discovery, his pleadings were stricken, and he did not participate in the final hearing. Father’s choice not to participate in child’s life not sufficient to support deviation. However, trial court based award on the mother's financial affidavit, failing to consider how child’s expenses limited by mother’s modest income. Cites Supreme Court of Florida, that when one party is multi-millionaire, need for child support extends beyond basic necessities. *Judge Wesley D. Tibbals, reversed.*

M.D. v. T.T., 368 So.3d 43 (Fla. 2nd DCA 2023). Trial court erred finding no arrears and failing to enter income withholding order. *Judge Teri Kaklis Dees, reversed.*

Harvey v. Hill, 364 So.3d 1064 (Fla. 1st DCA 2023). Trial court reversed when finding of income differed from what was on attached child support guidelines. *Judge Scott Duncan, reversed.*

Parker v. Parker, 365 So.3d 499 (Fla. 6th DCA 2023). Trial court did not err in awarding support arrears, even when same was not requested in the pleadings, because Fla. Stat. 61.30(17) gives court discretion to award retroactive support, and also because the issue was tried by consent. Here, parties mistakenly called it “arrearages” when it was actually retroactive support. *Judge John S. Carlin, affirmed in part, reversed in part.*

Innocent v. Innocent, 361 So.3d 874 (Fla. 4th DCA 2023). Trial court erred failing to address temporary support. Court also erred failing to include child support guidelines within the record. *Judge Natasha DePrimo, reversed.*

Velasco v. Solley, 358 So.3d 765 (Fla. 4th DCA 2023). Order of support reversed when trial court failed to subtract allowable deductions from gross income. *Judge Laura C. Burkhart, reversed.*

J.H.M. v. E.A.G., 358 So.3d 843 (Fla. 2nd DCA 2023). Trial court’s child support award reversed because court failed to make deductions from gross income for mandatory union dues, mandatory retirement contributions, and health insurance expenses. *Judge Thomas W. Krug, affirmed in part, reversed in part.*

A.G.W. v. C.L.C., 355 So.3d 1062 (Fla. 3rd DCA 2023). “Good fortune” case. Trial court erred when finding support should be modified based on father’s increase in income from \$2.7 million to \$9.7 million per year, then reducing support to child’s base need. Where a parent’s good fortune is clear and undisputed, the court should take this into account when determining support. When one parent has good fortune, child support should exceed child’s base needs. *Judge Christopher M. Labruzzo, reversed.*

McGill v. McGill, 355 So.3d 563 (Fla. 2nd DCA 2023). Even without transcript, trial court erred in setting retroactive support without finding of income in order. Error is apparent on face of order. *Judge Kevin A. Bruning, reversed.*

Funderburk v. Ricenbaw, 357 So.3d 188 (Fla. 2nd DCA 2023). Trial court erred failing to modify support based on Marital Settlement Agreement that provided child support will never fall below \$2000 per child. Any change of circumstances in father's ability to provide, or change in child's need, would justify modification notwithstanding provisions in agreement or final decree. *Judge Denise A. Pomponio, affirmed in part, reversed in part.*

Supportive Relationship:

Spector v. Spector, 48 Fla. L. Weekly D1992 (Fla. 3rd DCA 2023). Trial court affirmed for finding existence of supportive relationship, but reversed for terminating alimony without considering relevant economic factors and analyzing whether alimony should be reduced or terminated. *Judge David Young, affirmed in part, reversed in part.*

Proveaux v. Proveaux, 358 So.3d 488 (Fla. 1st DCA 2023). Trial court erred finding a supportive relationship does not exist, when former wife was in a romantic relationship for ten (10) years, former wife purchased property with this romantic partner, and they shared household expenses and obligations. *Judge Melissa G. Olin, reversed.*

Temporary Relief:

Saenz v. Sanchez, 48 Fla. L. Weekly D2192 (Fla. 3rd DCA 2023). Trial court affirmed for temporarily ordering child to stay in military school, giving father one-hundred percent (100%) timesharing of all children, and prohibiting mother from contacting children. Temporary relief orders in family law cases have the broadest discretion. *Judge Veronica Diaz, affirmed.*

Stuart v. Lapete, 370 So.3d 384 (Fla. 1st DCA 2023). Trial court reversed for awarding two (2) week rotating timesharing schedule for an infant when wife was not on notice that such schedule would even be considered. Finding that the rotating schedule was in infant's best interest was not supported by the record. *Judge Barbara K. Hobbs, reversed.*

Miller v. Gordon, 365 So.3d 1247 (Fla. 1st DCA 2023). Courts have great discretion determining temporary Parenting Plan in paternity case. *Judge Joshua M. Hakes, affirmed.*

Williams v. Williams, 365 So.3d 1235 (Fla. 1st DCA 2023). Trial court did not have to make Fla. Stat. 61.08 alimony findings to support temporary alimony award. Trial court erred granting unpled interim equitable distribution. *Judge Ronald W. Flury, affirmed in part, vacated in part.*

2023 Florida Bar Disciplinary Summaries
Organized in Order of Severity of Sanction



Brian Jay Glick of **Boca Raton, FL, permanent disbarment**, effective November 29, 2023. (Admitted to practice: 1981) Glick attempted to disburse funds from his attorney trust account, violating his emergency suspension order and subsequent disciplinary revocation. (Case No: **SC22-1197**)

Raegan S. Yunger of **Maitland, FL, permanent disbarment**, effective immediately following a July 13, 2023 court order due to Yunger's existing suspension from the practice of law. (Admitted to practice: 2005) On March 10, 2021, Yunger was arrested and indicted by a grand jury with murder in the first degree and possession of methamphetamine. On January 19, 2023, Yunger pled guilty to one count of manslaughter, a second-degree felony, and one count of possession of methamphetamine, a third-degree felony. The trial court adjudicated Yunger guilty and sentenced her to ten (10) years in the Florida Department of Corrections. On January 26, 2023, the Supreme Court of Florida entered its order suspending Yunger pursuant to Florida Bar Rule 3-7.2(f). (Case No. **SC23-116**)

Brett Elam of **West Palm Beach, FL, permanent disbarment**, effective following an April 18, 2023 court order. (Motion to vacate was denied June 21, 2023) (Admitted to practice: 2002) Elam was disbarred for misappropriation, misrepresentation, and violating a Supreme Court order dated March 28, 2019. Despite his disbarment, Elam continued to engage in the active practice of law. Elam was permanently disbarred for contempt of the Supreme Court of Florida. (Case No. **SC23-328**)

Teresa Marie Gaffney of **Tampa, FL, permanent disbarment**, effective thirty (30) days following an August 3, 2023 court order. (Admitted to practice: 1984) Gaffney was permanently disbarred from the practice of law for her pattern of engaging in improper delay tactics over the course of litigation, her reckless, impugning and disparaging commentary about the judiciary, and for conduct that was prejudicial to the administration of justice. Gaffney's misconduct continued throughout her disciplinary proceedings. (Case No. **SC21-0938**)

Donald Nathan Jacobson of **West Palm Beach, FL, disciplinary revocation without leave to seek readmission**, effective immediately following a December 15, 2023 court order. (Admitted: 1990) On November 2, 2022, Jacobson pled guilty to aggravated battery with a deadly weapon. He was sentenced to seven years of probation and other conditions. The events arose from his firing of a weapon at his fleeing girlfriend. (Case No: **SC22-1344**)

William Kalish of **Tampa, FL, disciplinary revocation without leave to seek re-admission** with requirement of restitution, effective following July 7, 2022 and

March 30, 2023 court orders. (Admitted to practice: 1976) By order dated July 7, 2022, Kalish's petition for disciplinary revocation without leave to re-apply related to allegations of misappropriation was granted, and the Court ordered further proceedings as to the issue of restitution. By order dated March 30, 2023, Kalish was ordered to comply with the confidential restitution agreements made with the parties. (Case No: **SC22-0436**)

Michael Thomas Dolce of **West Palm Beach, FL, disciplinary revocation without leave to seek re-admission**, effective thirty (30) days following a November 22, 2023 court order. (Admitted to practice: 1995) On or about April 4, 2023, Michael Thomas Dolce was criminally charged by indictment with possession of material containing child pornography. The criminal case disposition is pending. (Case No. **SC23-1365**)

Brandon Scott Labiner of **Boca Raton, FL, disciplinary revocation without leave to seek re-admission**, effective immediately following a September 28, 2023 court order. (Admitted to practice: 2016) Labiner misappropriated over \$400,000 from his stepmother's trust fund, of which he was the sole trustee. He also forged documents submitted to the Bar, including bank records and an affidavit, and failed to withdraw from three cases after he was emergency suspended. Additionally, Labiner was charged with second-degree murder of his father and is being held without bond. (Case No. **SC23-0945**)

Scot Strem of **Coral Gables, FL, disbarment**, effective immediately following a December 22, 2023 court order. (Admitted to practice: 2007) Strem engaged in a gross mismanagement of his law firm through a broad pattern of misconduct involving frivolous claims, lack of candor toward the tribunal, discovery violations, *Kozel* dismissals, conflict of interest, excessive fees, misrepresentation, and violation of supervisory lawyer's duties. (Case No: **SC20-842**)

Chris E. Ragano of **Valrico, FL, disbarment**, effective immediately following a December 8, 2023 court order. (Admitted to practice: 1997) Respondent entered a plea of guilty to thirty-three (33) counts of possession of child pornography and one (1) count of out-of-state transmission of child pornography by electronic device. Adjudication of guilt was withheld, and respondent was sentenced to eight (8) years of sex offender probation and five (5) years of state probation, to run concurrently. (Case No: **SC22-164**)

Timmy W. Cox, Sr. of **Plantation, FL, disbarment**, effective immediately following a December 20, 2023 court order. (Admitted to practice: 2014) Cox was suspended from the practice of law for one year (by court order dated Nov. 10,

2021). Cox failed to respond to official Bar inquiries in three separate Bar matters and failed to file a response to the Court's Order to Show Cause. (Case No: **SC22-1479**)

Julio Cesar Marrero of Miami, FL, disbarment, effective thirty (30) days following a February 27, 2023 court order. (Admitted to practice: 1988) Marrero was the subject of three (3) separate complaints, all of which indicated that Marrero engaged in systemic and ongoing abuse of bankruptcy and/or removal proceedings in federal court to obstruct or forestall state court foreclosures or debt collections. Marrero continued these bad faith litigation tactics through the disciplinary proceedings, where he also made misrepresentations to the referee. Marrero has been sanctioned for similar misconduct prior. (Case No: **SC21-652**)

Ian Horn of Brandon, FL, disbarment, effective immediately following a February 7, 2023 court order. (Admitted to practice: 1986) Horn was adjudicated guilty of one count of violating 18 U.S.C. § 1623(a), a Class D felony. Horn was sentenced to two (2) years of supervised probation, six (6) months of home detention, and fifty (50) hours of community service, with additional terms of probation. Horn further stipulated that he failed to timely notify The Florida Bar of the felony criminal charges. (Case No: **SC22-242**)

Mark Robert Moon of Seminole, FL, disbarment, effective immediately following a May 25, 2023 court order. (Admitted to practice: 2007) Moon failed to diligently represent his clients, to adequately communicate, and to refund any unused portion of the funds he was holding for the representation. He also failed to participate in the disciplinary proceedings. (Case No: **SC22-638**)

Stephen Matthew Bander of Miami, FL, disbarment, effective thirty (30) days following a May 11, 2023 court order. (Admitted to practice: 1999) Following an SEC investigation, Bander was put on notice and reminded that commissions or kickbacks to a law firm are prohibited when representing clients in EB-5 immigration applications. After being put on notice, Bander accepted monies from a local regional center to which he referred three EB-5 clients for investment. Bander testified before the SEC that those monies belonged to the clients as reimbursement for legal fees. However, Bander failed to notify his clients of receipt of the funds, placed them in his operating account rather than his trust account, and used the funds to pay firm expenses, rather than timely reimburse his clients. During the disciplinary proceedings, Bander changed his position and claimed the funds were direct payments to him for legal fees. (Case No: **SC21-11**)

Meredith Diane Jones of Fort Pierce, FL, disbarment, effective immediately following a May 25, 2023 court order. (Admitted to practice: 2012). Jones engaged in a course of conduct in which she repeatedly failed to appear in court, failed to communicate with clients and opposing counsel, and ultimately abandoned her clients' legal matters. In addition, Jones was already suspended for failing to fully respond in writing to three (3) separate inquiries from The Florida Bar. (Case No: **SC22-1739**)

Wayne Vincent Harper of Tampa, FL, disbarment, effective immediately following a July 20, 2023 court order, as Harper was already suspended. (Admitted to practice: 2004) Harper failed to comply with the terms and conditions set forth in the referee report and consent judgment previously approved by the Supreme Court. (Case No. **SC23-0386**)

Joshua Todd Hill Hauserman of Boynton Beach, FL, disbarment, effective immediately following a June 6, 2023 court order, as Hauserman was already suspended. (Admitted to practice: 2007). Hauserman failed to comply with the terms and conditions set forth in the referee report and consent judgment previously approved by the Supreme Court. (Case No. **SC23-0366**)

Adres Jaqueen Jackson-Whyte of Miami, FL, disbarment, effective *nunc pro tunc* to December 14, 2022. (Admitted to practice: 2009) Jackson-Whyte misappropriated trust funds and failed to produce trust account records to the Bar. Jackson-Whyte then destroyed client records despite being aware of the Bar investigation and made payments in cash to a client so that his government disability payments would not be disturbed by a significant bank balance. The uncontested report of the referee was approved in an August 17, 2023 court order. (Case No. **SC22-1612**)

Kevin Proulx of DeLand, FL, disbarment, effective immediately following an August 31, 2023 court order. (Admitted to practice: 2004) Proulx served as court-appointed defense counsel in several criminal cases pending in Lake County wherein he failed to provide diligent representation, to maintain adequate communication with the clients, to obey court orders, and ultimately abandoned his clients' matters. Because Proulx was court-appointed, new counsel was provided to represent the clients and none of the clients were harmed by Proulx's misconduct. Proulx also failed to respond timely to the Bar's repeated efforts to communicate with him and failed to participate in the Bar disciplinary proceedings in a meaningful manner. (Case No. **SC23-0389**)

Bradley Nephase Laurent of Orlando, FL, disbarment, effective immediately following a September 28, 2023 court order. (Admitted to practice: 2005) Over a period of more than three years, Laurent, a personal injury lawyer, misappropriated a significant amount of client funds from his law office trust account. Laurent was deceptive with the Bar during its early investigation into the matter and misrepresented on his Bar annual fee statements that he was in compliance with the Bar's rules regulating trust accounts. Laurent later cooperated with the Bar's investigation, hired a Certified Public Accountant to correct the trust account records, and corrected the shortage through the use of his personal funds and loans. (Case No. **SC22-851**)

Kelly Elizabeth Elkins of Treasure Island, FL, disbarment, effective immediately following a September 28, 2023 court order, as Elkins was already suspended. (Admitted to practice: 2001) Elkins misappropriated \$25,000 of funds entrusted to her as the escrow agent for a Bitcoin transaction. In a separate matter, Elkins was arrested on two separate dates for misdemeanor charges of disorderly conduct and trespass, respectively. Elkins entered a plea of no-contest for each matter but failed to timely report the criminal dispositions to the Bar. (Case No. **SC23-0399**)

Kevan Kenneth Boyles of West Palm Beach, FL, disbarment, effective immediately following a November 14, 2023 court order. (Admitted to practice: 1979) While suspended, Boyles handled funds located in fiduciary trust accounts on behalf of several beneficiaries. In a probate matter, he filed a Petition for Administration and an Amended Petition for Administration falsely stating he had an interest in the case because he had been asked by the personal injury attorney for the estate to serve as personal representative. Boyles also made another misrepresentation to the Bar in a sworn response identifying the attorney he had falsely stated had asked him to serve as personal representative. (Case No. **SC22-0160**)

Dick Rongtzuu Lee of Hollywood, FL, disciplinary revocation with leave to seek re-admission after five years, effective thirty (30) days following a May 25, 2023 court order. (Admitted to practice: 1988) Lee stipulated to probable cause for several trust account violations, as well as a violation involving dishonesty, fraud, deceit, and misrepresentation. Lee is alleged to have misappropriated one client's trust funds and committed other trust account and record-keeping violations. There is evidence of complete restitution to the client. (Case No: **SC23-0488**)

Derek James Acree of Palm Beach Gardens, FL, disciplinary revocation with leave to seek re-admission, effective immediately following an April 27, 2023 court order. (Admitted to practice: 2002) On January 4, 2023, Acree was

adjudicated guilty and sentenced to forty-one (41) months in prison, to be followed by a three (3) year term of supervised release after he entered a plea of guilty to one count of conspiracy to commit wire fraud. (Case No: **SC23-332**)

Jose Francisco Garcia of Kissimmee, FL, disciplinary revocation with leave to seek re-admission after five years, effective thirty (30) days from the June 1, 2023 court order. (Admitted to practice: 2001) The Florida Bar conducted a compliance audit of Garcia's trust account after receiving a complaint from a medical provider alleging that Garcia had failed to honor a letter of protection in a personal injury case. The Bar's audit revealed that Garcia was not in substantial compliance with the Rules Regulating The Florida Bar, which resulted in a shortage in his trust account. (Case No. **SC23-0572**)

Elizabeth K. Richert of Miami, FL, disciplinary revocation with leave to seek re-admission after five (5) years, effective thirty (30) days following a July 13, 2023 court order. (Admitted to practice: 1992) Richert received a judicial referral stemming from a judgment entered against her in a civil action brought by her family members. Richert's family alleged that she fraudulently failed to distribute \$95,850.83 to them as required by a family trust. As a result of those proceedings, The Florida Bar tendered the Petition for Disciplinary Revocation. (Case No. **SC23-0614**)

Kyle Charles Young of Palm Beach, FL, disciplinary revocation with leave to seek re-admission, effective thirty (30) days following an August 17, 2023 court order. (Admitted to practice: 2008) On March 6, 2023, Young was criminally charged with making false and fraudulent misrepresentations in a Paycheck Protection Program loan application. The criminal case disposition is pending. (Case No. **SC23-0846**)

Kevin Lawrence Hagen of Fort Lauderdale, FL, disciplinary revocation with leave to seek re-admission after five (5) years, effective thirty (30) days following an August 10, 2023 court order. (Admitted to practice: 1994) Hagen was convicted of one count of Conspiracy to Commit Securities Fraud in violation of 18 U.S.C. § 371. (Case No. **SC23-0961**)

Benjamin Waldo Buck, Jr. of Tampa, FL, disciplinary revocation with leave to seek re-admission after five (5) years, effective thirty (30) days following an August 17, 2023 court order. (Admitted to practice: 2015) Buck tendered a petition for disciplinary revocation based on allegations of engaging in a pattern of neglect and failure to communicate with his clients. Buck also failed to appear at numerous

hearings and to respond to orders to show cause in cases across the state of Florida. (Case No. **SC23-0214**)

Patrick Michael Megaro of Winter Park, FL, disciplinary revocation with leave to seek re-admission after five (5) years, effective thirty (30) days following a September 21, 2023 court order. (Admitted to practice: 2004) The Florida Bar commenced an investigation of Megaro due to two (2) disciplinary sanctions imposed in other jurisdictions. Megaro received a five (5)year suspension as recommended by the Disciplinary Hearing Commission for the North Carolina State Bar for entering into an improper representation agreement with clients of a diminished capacity and engaging in conduct that was prejudicial to the administration of justice. In addition, Megaro was suspended by the United States Court of Appeals in the Fifth Circuit on July 7, 2021. (Case No. **SC23-1119**)

John Edward Eagen of Tallahassee, FL, disciplinary revocation with leave to seek re-admission, effective thirty (30) days following a September 21, 2023 court order. (Admitted to practice: 1990) Eagen had a disciplinary case pending before the court, which involved the neglect of several client matters and multiple referrals from the First District Court of Appeal. The court approved Eagen's Petition for Disciplinary Revocation by Order dated September 21, 2023. (Case No. **SC23-0691**)

Derek Michael Aronoff of Port Saint Lucie, FL, disciplinary revocation with leave to seek re-admission after five (5) years, effective immediately following an August 31, 2023 court order. (Admitted to practice: 2001) The Florida Bar opened an investigation after receiving a grievance complaint from Aronoff's former client demonstrating that, after the effective date of his suspension from the practice of law in 2022, Aronoff continued communicating with the client, drafted pleadings, and gave the client legal advice regarding an upcoming hearing in a mortgage foreclosure case. As a result, Aronoff engaged in the unlicensed practice of law in violation of the Supreme Court of Florida order suspending him in 2022. (Case No. **SC23-0942**)

Raegan S. Yunger of Maitland, FL, suspension with a referee appointed to recommend discipline, effective thirty (30) days following a January 26, 2023 court order. (Admitted to practice: 2005) On January 19, 2023, Yunger pled guilty to one (1) count of manslaughter, a second degree felony, and one (1) count of possession of methamphetamine, a third degree felony. The trial court adjudicated Yunger guilty and sentenced her to ten (10) years in the Florida Department of Corrections. (Case No: **SC23-116**)

Mark Edwin Heimendinger of Oviedo, FL, suspension pursuant to 3-7.2(f), the felony suspension rule, effective thirty (30) days following an August 31, 2023 court order. (Admitted to practice: 2016) On August 25, 2023, Heimendinger entered a plea of *nolo contendere* to Aggravated Assault, a third-degree felony, Carrying Concealed Firearm, a third-degree felony, Improper Exhibition of a Dangerous Weapon, a first degree misdemeanor, and Battery, a first-degree misdemeanor. The criminal court withheld adjudication on the two (2) felony charges and adjudicated Heimendinger guilty on the two (2) misdemeanor charges. The Supreme Court of Florida has ordered that a referee be appointed to recommend the appropriate sanction. (Case No. **SC23-1224**)

Christopher Whittington Dudley of Maitland, FL, suspension pursuant to 3-7.2(f), the felony suspension rule, effective immediately following a September 18, 2023 court order. (Admitted to practice: 2021) Dudley entered a plea of *nolo contendere* to the charges of Attempted Burglary of an Occupied Dwelling, a third-degree felony, and Criminal Mischief (above \$200 but below \$1,000), a first-degree misdemeanor. The court withheld adjudication of guilt as to all counts and sentenced Dudley to two (2) years of conditional probation as to the felony count and to credit for time served as to the misdemeanor count. (Case No. **SC23-1306**)

Ronald Stuart Lubetsky of Deerfield Beach, FL, suspension pursuant to 3-7.2(f), the felony suspension rule, effective thirty (30) days following a September 7, 2023 court order. (Admitted to practice: 2002) The Florida Bar filed its Notice of Determination or Judgment of Guilt following a judgment finding Lubetsky guilty of seven (7) counts of knowingly and intentionally dispensing a controlled substance without authorization by law, in violation of Title 21, United States Code, Section 841(a)(1). Lubetsky was committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of sixty (60) months. (Case No. **SC23-1249**)

Jason Dale Volkman of Ocala, FL, suspension pursuant to 3-7.2(f), the felony suspension rule, effective thirty (30) days following an October 6, 2023 court order. (Admitted to practice: 2000) Volkman pled *nolo contendere* to one (1) count of Sexual Battery on a Person 12-18 Years by a Person in Familial Custodial Authority, a first-degree felony, twenty (20) counts of Promoting a Sexual Performance by a Child, second-degree felonies, twenty (20) counts of Possession of Child Pornography (ten or more images), second-degree felonies, one (1) count of Delivery of Opiates, a second-degree felony, two (2) counts of Video Voyeurism, third-degree felonies, and one (1) count of Contributing to the Delinquency or Dependency of a Minor, a first-degree misdemeanor. The court adjudicated Volkman guilty of all the above charges and sentenced him to thirty (30) years in

the Florida Department of Corrections followed by five (5) years of sex offender probation in Count 1, fifteen (15) years in the Florida Department of Corrections in Counts 2–42, five (5) years in the Florida Department of Corrections in Counts 43–44, and 364 days in the Marion County Jail in Count 45, with credit for 496 days' time served. The counts are to run concurrently. (Case No. **SC23-1379**)

Brandon Scott Labiner of Boca Raton, FL, emergency suspension, effective thirty (30) days following an April 18, 2023 court order. (Admitted to practice: 2016) Labiner is alleged to have misappropriated approximately \$540,000 from a trust for which he acts as trustee, altered documents and made misrepresentations to The Florida Bar regarding his misconduct. (Case No: **SC23-0525**)

Alex S. Barnett of Silver Spring, MD, emergency suspension, effectively immediately following a February 28, 2023 court order. (Admitted to practice: 2018) Barnett posted on social media, and in other communications and/or filings disparaged and/or impugned a variety of legal and law enforcement organizations, and used threats of violence that are contrary to the administration of justice. Barnett's language included profanities and threats to kill numerous individuals and to blow up the Florida Supreme Court. (Case No: **SC23-0273**)

Alex S. Barnett of Silver Spring, MD, suspension, effective immediately following a May 11, 2023 court order. (Admitted to practice: 2018) Barnett entered a plea of *nolo contendere* to the charge of written threats to conduct a mass shooting or act of terrorism, in violation of Fla. Stat. 836.10(2)(b), a second-degree felony, and the court withheld adjudication. (Case No: **SC23-0667**)

Jean Berry of Clearwater, FL, suspension, effective thirty (30) days following a January 5, 2023 court order. (Admitted to practice: 2002) Berry failed to respond to Florida Bar File No. 2023-10, 176 (6A). The Florida Bar filed its Petition for Contempt and Order to Show Cause on November 3, 2022, and the Florida Supreme Court ordered Berry to show cause by November 21, 2022. Berry failed to file a response to the court's Order to Show Cause. Berry is ordered suspended until such time as she answers inquiries from The Florida Bar and until further order of the Florida Supreme Court. (Case No: **SC22-1499**)

Christopher Michael Reynolds of Seminole, FL, suspension, effective immediately as of a December 15, 2023 court order granting his petition for emergency suspension. (Admitted to practice: 2008) Reynolds abandoned his law practice without notice and without taking steps to protect the interests of his clients. Reynolds failed to respond to the Bar's investigative inquiries regarding

alleged misappropriations of more than \$200,000 of client funds. (Case No: **SC22-1659**)

Kevin Proulx of DeLand, FL, suspension, effective thirty (30) days following a December 20, 2023 court order. (Admitted to practice: 2004) Proulx failed to respond in writing to the Bar's investigative inquiries required under Rule 4-8.4(g). Proulx also failed to respond to the Order to Show Cause issued by the Supreme Court of Florida in the Bar's contempt proceeding against him. (Case No: **SC22-1390**)

Joshua Kelly Moran of Weston, FL, suspension, effective thirty (30) days following a February 17, 2023 court order. (Admitted to practice: 2012) Moran was held in contempt of The Florida Supreme Court and suspended for his failure to respond to investigative inquiries promulgated by The Florida Bar. Moran is ordered suspended until such time as he answers inquiries from The Florida Bar and until further order of the Florida Supreme Court. (Case No: **SC22-1545**)

Denise A. Gunn of Naples, FL, suspension, effective thirty (30) days following a July 19, 2023 court order. (Admitted to practice: 1997) Gunn failed to respond to an official Bar inquiry in Florida Bar File No. 2022-10,464(20B). The Florida Bar filed a Petition for Contempt and Order to Show Cause on May 22, 2023, and the Florida Supreme Court ordered Gunn to show cause by June 6, 2023. Gunn failed to file a response to the court's Order to Show Cause. Gunn is ordered suspended until such time as she answers inquiries from The Florida Bar and until further order of the Florida Supreme Court. (Case No. **SC23-0727**)

Gale Marie Bobenhausen of Safety Harbor, FL, suspension, effective thirty (30) days following a July 3, 2023 court order. (Admitted to practice: 1984) Bobenhausen was held in contempt by the court and suspended for her failure to respond to inquiries from The Florida Bar in Florida Bar File No. 2023-10,191(6A). The Florida Bar filed its Petition for Contempt and Order to Show Cause on May 9, 2023, and the Florida Supreme Court ordered Bobenhausen to respond by May 25, 2023. Bobenhausen failed to file a response. Bobenhausen is ordered suspended until such time as she answers inquiries from The Florida Bar and until further order of the Florida Supreme Court. (Case No. **SC23-0660**)

Frank T. Noska of Palm Beach, FL, suspension, effective thirty (30) days following a July 31, 2023 court order. (Admitted to practice: 1982) Noska failed to respond to The Florida Bar File No. 2020-50,396(15E). The Florida Bar filed its Petition for Contempt and Order to Show Cause on May 15, 2023. On that same day, the Florida Supreme Court ordered Noska to show cause by May 30, 2023.

Noska failed to file a response to the Court's Order to Show Cause. By court order dated July 31, 2023, Noska was held in contempt. Noska is ordered suspended until such time as he answers inquiries from The Florida Bar and until further order of the Florida Supreme Court. (Case No. **SC23-0679**)

Mariano Ramon Gonzalez, Jr. of Sunrise, FL, suspension, effective thirty (30) days following an October 10, 2023 court order. (Admitted to practice: 1993). Gonzalez failed to respond to a Bar inquiry. The Florida Bar filed its Petition for Contempt and Order to Show Cause on July 24, 2023. On July 26, 2023, the Florida Supreme Court ordered Gonzalez to show cause by August 10, 2023. Gonzalez failed to file a response to the court's Order to Show Cause. Gonzalez was held in contempt. Gonzalez is ordered suspended until such time as he answers inquiries from The Florida Bar and until further order of the Florida Supreme Court. (Case No. **SC23-1049**)

John Spencer Jenkins of Fort Lauderdale, FL, suspension, effective thirty (30) days following a November 13, 2023 court order. (Admitted to practice: 2012) Jenkins failed to respond to The Florida Bar File No. 2023-50,541(17G). The Florida Bar filed its Petition for Contempt and Order to Show Cause on September 11, 2023. On September 13, 2023, the Florida Supreme Court ordered Jenkins to show cause by September 28, 2023. Jenkins failed to file a response to the court's Order to Show Cause. By court order dated November 13, 2023, Jenkins was held in contempt. Jenkins is ordered suspended until such time as he answers inquiries from The Florida Bar and until further order of the Florida Supreme Court. (Case No. **SC23-1271**)

Rebecca L. Morgan of Belle Isle, FL, suspension, effective immediately as Morgan is already suspended pursuant to a court order dated August 31, 2023. (Admitted to practice: 2008) The Supreme Court of Florida held Morgan in contempt for failing to respond to three separate Bar complaints. She also failed to file a response to the court's Order to Show Cause. (Case No. **SC23-1101**)

Rebecca L. Morgan of Belle Isle, FL, suspension for four (4) months, effective thirty (30) days following an August 31, 2023 court order. (Admitted to practice: 2008) Morgan engaged in a pattern of neglect while representing several clients in immigration matters. In one instance, she failed to timely appear at a hearing due to a family emergency, and the immigration judge entered an order for removal. After Morgan failed to get a response from the chief counsel's office to get their permission to have the matter reheard, Morgan failed to further address the client's matter because of her severe illness. In another matter, a client repeatedly attempted to contact Morgan, and after receiving no communication, the client

went to Morgan's law office, which was abandoned. Morgan was unaware of the client's matter or need for assistance, and she did not provide a refund in the matter. Additionally, Morgan engaged in a course of conduct in which she failed to update her address with the United States Department of Homeland Security, resulting in letters for her clients being returned as undeliverable. She also failed to timely respond to the Bar's multiple investigative inquiries. (Case No. **SC23-0448**)

Mark D. Siegel of **Sarasota, FL, suspension for three (3) years**, effective immediately following a March 2, 2023 court order. (Admitted to practice: 1983) Siegel personally failed to respond to an arbitration petition, was defaulted, and purposely avoided service of process in the enforcement action. He also avoided service of process of a legal malpractice suit filed against him for lack of diligence, lack of communication, and incompetence. Siegel failed to respond to several official bar inquiries, was held in contempt and suspended. (Case No: **SC22-594**)

Kathleen Lynn Smades of **Tarpon Springs, FL, suspension for three (3) years**, effective *nunc pro tunc* December 4, 2021 (the date of respondent's suspension from the practice of law after the filing of a felony determination), two (2) years of probation upon application for reinstatement, and, prior to application for reinstatement, must complete the Multistate Professional Responsibilities Examination, obtain a determination from Florida Lawyer's Assistance, Inc., that respondent is fit to practice and comply with medical and substance abuse treatment. (Admitted to practice: 1998) In 2013, Smades was arrested on three (3) separate occasions for Driving Under the Influence (DUI) in Pinellas County. In each of these criminal cases, Smades was adjudicated guilty for first-degree misdemeanor offenses. In 2019, Smades was arrested on two (2) separate occasions for DUI and Refusal to Submit to Testing in Pinellas County. She was adjudicated guilty for a third-degree felony offense in each of the 2019 criminal cases. Smades failed to inform The Florida Bar of any of the arrests or convictions. She argued that at the time of arrest she was suffering from Auto Brewery Syndrome. The referee found that respondent did not suffer from Auto Brewery Syndrome but rather alcohol use disorder. (Case No: **SC21-1521**)

Brian P. Rush of **Tampa, FL, suspension for three (3) years**, effective thirty (30) days following a May 4, 2023 court order. (Admitted to practice: 1982) Rush failed to follow his client's directives and placed his personal pecuniary interests ahead of the client's stated goals in connection with his representation of the client in an eminent domain case. Rush also attempted to charge and collect a clearly excessive fee, and engaged in conduct that was prejudicial to the administration of justice. (Case No: **SC20-1685**)

Gregory Michael Nordt of **Fort Lauderdale, FL, suspension for three (3) years**, effective immediately following a July 20, 2023 court order. (Admitted to practice: 1995) Nordt entered a plea of *nolo contendere* to leaving the scene of a crash with personal injuries, a third-degree felony, and Driving Under the Influence (DUI) causing property damage/personal injury, a misdemeanor. (Case No. **SC22-789**)

Bryon R. Aven of **Viera, FL, suspension for two (2) years**, effective thirty (30) days following a September 14, 2023 court order. (Admitted to practice: 2008) While employed as an Assistant State Attorney, Aven engaged in prosecutorial misconduct by eliciting and bolstering false testimony from several witnesses during a criminal trial, which resulted in the dismissal of the criminal charges. (Case No. **SC23-0456**)

Joseph Anthony Sorce of **Coral Gables, FL, suspension for two (2) years**, effective *nunc pro tunc* to August 7, 2023. (Admitted to practice: 1994) Sorce pled no contest to charges of felony reckless driving with serious bodily injury, possession of cocaine, and two (2) counts of misdemeanor Driving Under the Influence (DUI). Adjudication was withheld as to the felony charges, and Sorce was sentenced to five (5) years of probation. (Case No. **SC23-1100**)

Bert Edward Moore of **Crestview, FL, suspension for one (1) year**, effective thirty (30) days following a January 26, 2023 court order. (Admitted to practice: 1980) Moore was retained to file a claim on behalf of a client who alleged that sexually explicit photos were posted on the internet without her knowledge or consent. Moore filed the claim timely but miscalculated the thirty (30) day deadline for filing the complaint in probate court, thereby resulting in the dismissal of the client's probate complaint. He also failed to properly communicate with his client throughout his representation in probate court. In an attempt to rectify his mistake, Moore paid the client \$15,000 over the period of a year before any Bar complaint was filed. The client then demanded another \$3,000 and harassed Moore for several months with texts threatening to file a complaint, which she did after Moore refused to pay the additional funds. (Case No: **SC21-1132**)

Eduardo Julio Mejias of **Altamonte Springs, FL, suspension for one (1) year** followed by probation for three (3) years, effective thirty (30) days following a February 9, 2023 court order. (Admitted to practice: 1999) Mejias engaged in a pattern of misconduct in which he neglected client matters and failed to comply with court orders. In several matters, Mejias was sanctioned by the court. (Case No: **SC21-1610**)

Jonathan Grant Morton of Miami, FL, suspension for eighteen (18) months, effective thirty (30) days following a March 2, 2023 court order. (Admitted to practice: 2008) This is a reciprocal disciplinary action, resulting from an order of discipline from the United States Patent and Trademark Office, imposing an eighteen (18)month suspension for Morton’s failure to limit the volume of his trademark practice to an amount for which he could provide competent representation. Morton’s grossly inflated client list resulted in his failure to properly review each application prior to filing same, as well as his failure to conduct required pre-filing inquiries, despite his certification that he had done so. (Case No: **SC22-1574**)

Brian McKenna O’Connell of Tequesta, FL, suspension for one (1) year with requirement to attend The Florida Bar’s Ethics School, effective thirty (30) days following a June 29, 2023 court order. (Admitted to practice: 1980) O’Connell used funds from a client’s trust based on his belief that the terms of the trust permitted him to borrow those funds. O’Connell failed to advise his client to seek independent counsel regarding the provision in the trust that O’Connell believed allowed him to borrow funds for his own use. O’Connell paid back the funds with interest a few months after using them. He also made a charitable donation on behalf of the client but told the charity it was on his own behalf and then deducted the same donation on his tax return. O’Connell stated that these acts were mistakes that he ultimately corrected, both with the charity and by filing an amended tax return. (Case No. **SC22-699**)

Leo Benitez of Coral Gables, FL, suspension for one (1) year, effective thirty (30) days following a July 20, 2023 court order. (Admitted to practice: 1989) Benitez filed and pursued a frivolous lawsuit, even after receiving evidence that demonstrated an affidavit on which he relied to support his claims was false. Benitez did not withdraw the affidavit, but rather he continued to rely on his client’s denials and did not conduct an independent assessment of the case. Benitez presented significant mitigation, including that he was sanctioned by the trial court for the frivolous litigation. He also accepted responsibility and showed remorse in the disciplinary proceedings. (Case No. **SC22-649**)

Lee Segal of Clearwater, FL, suspension for one (1) year, effective thirty (30) days following an August 10, 2023 court order. (Admitted to practice: 2007) In three (3) different matters, Segal engaged in misconduct including conflict of interests with his clients and evasive and misrepresentative statements made to the courts. Segal’s conduct involved deceit and was prejudicial to the administration of justice. (Case No. **SC23-1067**)

Erica Helene Kobloth of **Paterson, NJ**, **suspension for one (1) year**, effective immediately following an August 3, 2023 court order. (Admitted to practice: 2012) After being hired to provide legal representation, Kobloth failed to appear for a specially set trial date and did not timely notify the court that she would not be in attendance. In another matter, Kobloth failed to take significant action on behalf of a client or to keep the client reasonably informed about the status of the client's case. (Case No. **SC22-1578**)

Wanda I. Rufin of **Miami, FL**, **suspension for one (1) year**, effective thirty (30) days following a September 7, 2023 court order. (Admitted to practice: 1999) While representing the husband in a dissolution of marriage, Rufin made partial unauthorized distributions of the trust funds from the proceeds of the sale of the marital home. When the court ordered a final equitable distribution to the former wife, Rufin failed to advise the court about the remaining balance of the marital funds held in a second escrow account. Rufin has since disgorged the full amount to the former wife. (Case No. **SC22-0821**)

Leon Menas Boyajan, II of **Inverness, FL**, **suspension for one (1) year**, effective thirty (30) days following a November 2, 2023 court order. (Admitted to practice: 1983) Boyajan engaged in a pattern of neglect and lack of communication in multiple matters. He also engaged in a conflict of interest when he consulted with three (3) co-defendants regarding their criminal matter, and then represented two (2) of the same co-defendants in the matter. With Boyajan's assistance, the state obtained proffers from his clients implicating the third co-defendant in the crime, who was also a former client of Boyajan's. Boyajan failed to explain the advantages and risks involved or obtain his clients' informed consent with regard to the joint representation, and never sought waivers of the conflict of interest. (Case No. **SC23-0630**)

Anton Aggrey Gammons of **Orlando, FL**, **suspension for six (6) months**, effective immediately (Admitted to practice: 2011) Gammons engaged in sexual conduct with a client he was representing in a dependency court matter. (Case No: **SC22-1667**)

Richard G. Chosid of **Lighthouse Point, FL**, **suspension for six (6) months** with requirement to attend The Florida Bar's Trust Accounting Workshop, effective sixty (60) days following a February 16, 2023 court order. (Admitted to practice: 1963) Chosid accepted a deposit for a client into his trust account and agreed to disburse the funds at the client's direction for a ten percent (10%) fee. Chosid ultimately received \$1.43 million and disbursed the funds as directed by the client. The funds were intended to secure a standby letter of credit for a third party.

Chosid breached his fiduciary duty to the third party by failing to inquire further and apprise himself of the intended purpose of the funds and instead distributed them in accordance with his client's instructions. (Case No: **SC23-183**)

Emelike Nwosuocha of Miami, FL, suspension for six (6) months, effective thirty (30) days following an August 17, 2023 court order. (Admitted to practice: 2008) Attorney's fees were assessed against Nwosuocha for filing a frivolous medical malpractice complaint and failing to pay the defendant the amount ordered. Nwosuocha also failed to timely respond to the Bar's complaint or request for admissions and consequently was defaulted. At the time of the final hearing, Nwosuocha still had not paid the amount due in attorney's fees, nor did he demonstrate remorse for his misconduct. (Case No. **SC22-1776**)

Andrew John Manie of Orlando, FL, suspension for six (6) months, effective immediately following a September 21, 2023 court order. (Admitted to practice: 2015) Manie failed to timely furnish a copy of the court's June 9, 2022 suspension order to some of the courts before which he was counsel of record. Prior to his suspension, Manie also engaged in a course of conduct whereby he failed to appear for court hearings on behalf of several clients, resulting in the entry of default judgments against those clients, which required Manie to take corrective action by filing motions to vacate judgment due to his excusable neglect. Finally, in connection with his representation of a client in a personal injury case, Manie deposited client funds related to a settlement into his operating account. (Case No. **SC23-1277**)

Tracy N. Davis of Port St Lucie, FL, suspension for ninety-one (91) days, effective immediately following a December 15, 2023 court order. (Admitted to practice: 1998) Davis represented a client in his previously filed civil case. Davis failed to file a timely response to a supplemental motion for summary judgment or ask for an extension of time to respond. As a result, the trial court granted the motion, stating in its order that Davis failed to respond with admissible evidence as required under Rule 1.510 of the Florida Rules of Civil Procedure. (Case No: **SC22-1673**)

Matthew Thorstad of Jupiter, FL, suspension for ninety-one (91) days, effective thirty (30) days following a July 6, 2023 court order. (Admitted to practice: 2011) Thorstad issued improper subpoenas in ongoing litigation and concealed the existence of these subpoenas from parties, non-parties, and their counsel in an attempt to obtain records directly from a third-party health provider. In issuing the subpoenas, Thorstad violated the Florida Rules of Civil Procedure and

numerous court orders. Thorstad was found to be in indirect criminal contempt and civil contempt for this conduct. (Case No. **SC22-1575**)

Aram Caldarera Bloom of Miami, FL, suspension for ninety-one (91) days, effective thirty (30) days following a July 27, 2023 court order. (Admitted to practice: 2009) Bloom neglected one client's case by failing to communicate the status of the case, failing to timely respond to motions or attend hearings, and by misinforming the client about the effect of the court's ruling, resulting in \$17,000 in court-ordered sanctions against the client. Respondent was remorseful and cooperative with the Bar proceedings. (Case No. **SC23-139**)

Lisa Jacobs of Aventura, FL, suspension for ninety-one (91) days, effective thirty (30) days following a July 14, 2023 court order. (Admitted to practice: 1999) Jacobs failed to comply with the terms and conditions set forth in the referee report and consent judgment previously approved by the Supreme Court. (Case No. **SC23-0703**)

Tarica C. LaBossiere of Lauderhill, FL, suspension for ninety-one (91) days, effective immediately following an August 3, 2023 court order, as LaBossiere is no longer practicing law. (Admitted to practice: 2018) LaBossiere failed to comply with all terms and conditions set forth in the terms of her probation, which included a requirement to comply with her Florida Lawyers Assistance, Inc., rehabilitation contract. LaBossiere violated this contract by failing to abstain from the consumption of alcohol and testing positive for mood altering drugs. (Case No. **SC23-0313**)

Oscar Antonio Hotusing of Melbourne, FL, suspension for ninety-one (91) days with requirement of proof of rehabilitation and completion of The Florida Bar's Ethics School, effective thirty (30) days following a September 28, 2023 court order. (Admitted to practice: 1993) Hotusing assisted a client in a dissolution of marriage matter that was filed in Maryland, even though Hotusing was not admitted to practice law in Maryland. Hotusing e-filed pleadings and other documents for the client through the Maryland Electronic Courts (MDEC). Hotusing used his law office email address and chose a pro se category when registering with MDEC, thereby concealing his assistance to the client from the trial court. When opposing counsel in the dissolution case discovered Hotusing's conduct, she notified the trial court and reported it to The Florida Bar. (Case No. **SC22-0944**)

Erik David Wesoloski of Miami, FL, suspension for ninety (90) days, effective thirty (30) days following a December 22, 2023 court order. (Admitted to practice:

2001) Wesoloski failed to maintain electronic evidence substantial to litigation, produced incomplete documents, and opposed further efforts to obtain full disclosure of electronic data. (Case No: **SC21-1725**)

Jeffrey Edward Appel of Lakeland, FL, suspension for ninety (90) days with a two (2) year probationary period with Florida Lawyers Assistance, Inc., effective *nunc pro tunc* September 14, 2022, the date of his existing suspension, following a December 22, 2023 court order. (Admitted to practice: 1993) Appel pled guilty to Driving Under the Influence (DUI) and the court sentenced him to ten (10) days in the county jail, to be served by weekend work release, with credit for time served, and 363 days of conditional probation. Appel had a prior arrest and conviction in 2017 for DUI. (Case No: **SC22-1679**)

Hanna Mary Renna of Elmira, NY, suspension for ninety (90) days with requirement to attend The Florida Bar's Ethics School and Professionalism Workshop, effective thirty (30) days following a January 4, 2023 court order. (Admitted to practice: 2010) Renna, during the representation of a criminal defendant, conducted a deposition of a minor witness who had previously identified her client from a photo pack as the perpetrator. Prior to the deposition, Renna printed copies of the photo pack and renumbered them. Unbeknownst to the state and the witness, Renna used a photograph of a different person than who was identified by the witness when questioning the witness about identification. Renna then relied in part on identification made during the deposition to file a motion to suppress. (Case No: **SC22-1484**)

Sabine Millien-Felix of West Palm Beach, FL, suspension for ninety (90) days, effective thirty (30) days following a February 9, 2023 court order. (Admitted to practice: 2004) Millien-Felix was hired as general counsel for a homeowners' association, on behalf of whom she filed a civil complaint and subsequently neglected. Millien-Felix then failed to inform the homeowners' association, which was also assessed costs, that the lawsuit was dismissed for lack of prosecution. Just before the running of the statute of limitations, Millien-Felix refiled the case after the association terminated her representation. Millien-Felix has been repaying the costs assessed to the former client. (Case No: **SC23-141**)

Joseph Lester Boles, Jr. of St. Augustine, FL, suspension for ninety (90) days, effective thirty (30) days following an April 20, 2023 court order. (Admitted to practice: 1984) In several instances, Boles failed to make the required disclosures and obtain the required written statements acknowledging that the disclosures were made to the testator before appointing himself as backup successor trustee or personal representative, in violation of Florida statutes. Boles also engaged in a

conflict of interest in a probate matter by failing to advise the beneficiaries to seek independent counsel before having them sign waivers of their right as a beneficiary and appointing himself as surrogate beneficiary. (Case No: **SC22-1628**)

Marie Delapena of Windermere, FL, suspension for ninety (90) days, effective immediately following a July 23, 2023 court order. (Admitted to practice; 2019) Delapena failed to disclose her termination of employment from a law firm to The Florida Bar on her application for admission to the Bar. (Case No. **SC22-1372**)

David Andrew Taylor, III of Jacksonville, FL, suspension for sixty (60) days with requirement to attend The Florida Bar's Ethics School, effective thirty (30) days following a December 8, 2023 court order. (Admitted to practice: 1997) A retainer agreement drafted by Taylor and signed by his client was not in compliance with ethical rules because Taylor did not advise the client in writing to seek the advice of independent counsel. Taylor also failed to properly supervise an attorney in his law firm who violated the advertising rules. (Case No: **SC21-291** and **SC21-724**)

Daniel Wayne Perry of Orlando, FL, suspension for sixty (60) days with requirement to attend The Florida Bar's Ethics School, effective thirty (30) days following a February 23, 2023 court order. (Admitted to practice: 1983) Perry engaged in a pattern of misconduct during his representation of several mobile park homeowners' associations. Perry filed frivolous lawsuits, violated the confidentiality provisions of the Florida Mediation Act, and paid attorney's fee sanction amounts out of his own pocket to convince clients to further litigate their cases. Perry's conduct created conflicts of interest with his clients. (Case No: **SC22-391**)

Jonathan Clement Zisser of Jacksonville, FL, suspension for sixty (60) days, effective thirty (30) days following a March 2, 2023 court order. (Admitted to practice: 2001) Zisser was hired to represent the client in a divorce proceeding and in a criminal domestic battery case as a victim advocate. During the representation, Zisser began a sexual relationship with the client. The client's husband exposed the relationship between the two, and Zisser ended his representation of the client. (Case No: **SC22-591**)

Luis Ernesto Basagoitia of Orlando, FL, suspension for sixty (60) days with requirement to attend The Florida Bar's Ethics School and Stress Management Workshop, effective thirty (30) days following a March 9, 2023 court order. (Admitted to practice: 1989) While representing a client in a dissolution of marriage matter, Basagoitia failed to file a notice of appearance, which resulted in his failure

to be served with orders issued by the court. He also failed to provide his client with competent representation and adequate communication. In the course of the representation, as well as during the disciplinary proceeding, Basagoitia made several inappropriate and disparaging remarks about his client. (Case No: **SC22-837**)

Jonathon Charles Avery Blevins of Orlando, FL, suspension for sixty (60) days with requirement to attend The Florida Bar's Ethics School, effective thirty (30) days following an April 20, 2023 court order. (Admitted to practice: 2008) Blevins did not follow proper procedures for lawyers leaving law firms. Blevins failed to negotiate with his employing firm an acceptable joint letter to be sent to the affected clients. Instead, Blevins and his law partner unilaterally mailed a letter to the affected clients advising them of their departure from the firm and of the clients' rights to choose to remain a client of the law firm, to choose representation by the departing lawyer's firm, or to choose representation by another law firm. (Case No: **SC22-1415**)

Hazem Reda Bata of Zionsville, IN, suspension for sixty (60) days with requirement to attend The Florida Bar's Ethics School, effective May 15, 2023. (Admitted to practice: 2005) Bata served as an escrow agent for a land deal in the Bahamas. An initial deposit on behalf of the buyer was provided by an investor who subsequently requested the return of the funds. Bata returned the funds and failed to notify the parties to the contract. The contract remained in limbo for over a decade while various issues with the land were resolved. In 2019, when the parties were ready to finalize the deal, the buyer learned for the first time that Bata no longer had the funds in his possession. (Case No: **SC22-1361**)

Michael M. Stover of St. Augustine, FL, suspension for sixty (60) days with three (3) year probation, effective thirty (30) days following a November 22, 2023 court order. (Admitted to practice: 2015) Stover was arrested for the purchase of illegal narcotics in exchange for legal services. The Office of the State Attorney charged Stover with purchasing or possessing with intent to purchase a controlled substance, a third-degree felony. Stover entered into a Pretrial Intervention (PTI) Contract with the State, which he successfully completed. The State Attorney's Office filed a Notice of Completion of Pre-Trial Intervention Agreement and Nolle Prosequi dismissing the criminal charges based on Stover's completion of the PTI contract. (Case No. **SC23-1204**)

Michael Andrew Adams of Orlando, FL, suspension for forty-five (45) days with requirement to attend The Florida Bar's Ethics School, effective thirty (30) days following an April 20, 2023 court order. (Admitted to practice: 2011) Adams did

not follow proper procedures for lawyers leaving law firms. Adams failed to negotiate with his employing firm an acceptable joint letter to be sent to the affected clients. Instead, Adams and his law partner unilaterally mailed a letter to the affected clients advising them of their departure from the firm and of the clients' rights to choose to remain a client of the law firm, to choose representation by the departing lawyer's firm, or to choose representation by another law firm. (Case No: **SC22-1410**)

Allison A. Belcher of Lutz, FL, suspension for thirty (30) days with requirement to attend The Florida Bar's Ethics School, effective thirty (30) days following a December 22, 2023 court order. (Admitted to practice: 2000) Belcher agreed to privately represent a client that had approached the firm initially, and failed to inform the client that she was not providing representation on behalf of the firm and failed to inform the firm that she was representing the client privately. In addition, Belcher failed to diligently handle the client matter and failed to keep the client reasonably apprised of the status of the matter. Belcher failed to supervise an employee who engaged in impermissible solicitation via Facebook. Belcher believed in good faith that the firm was compliant with relevant ethics opinions and cooperated with the disciplinary proceeding. (Case No: **SC22-1701**)

Philip Sean Karle of Debary, FL, suspension for ten (10) days with requirement to complete an office procedures and record-keeping analysis at the direction of The Florida Bar's Diversion/Discipline Consultation Service, effective thirty (30) days following an August 3, 2023 court order. (Admitted to practice: 2007) While representing a client in a family law matter, Karle failed to appear for several case management conferences. The court ultimately dismissed the case and referred Karle to The Florida Bar. Karle advised that he did not appear at some of the case management conference dates because the hearings were not placed on his calendar. After reviewing his emails, Karle determined that the notices of these dates were filtered out of his email inbox and archived into "All Mail." Karle re-filed the case at issue and personally paid the filing fee. (Case No. **SC22-1815**)

Paul Wesley Darby of Tavares, FL, suspension for ten (10) days with three (3) year probation and monitoring by Florida Lawyers Assistance, Inc., effective thirty (30) days following an August 3, 2023 court order. (Admitted to practice: 2009) In 2021, Darby pled no contest to Reckless Driving with Alcohol and Refusal to Submit to Chemical/Physical Test. In 2022, in a separate misdemeanor matter, Darby pled guilty to Leaving the Scene of a Crash. Darby then violated his probation with an arrest and no contest plea to Driving Under the Influence (1 Prior Conviction) and Refusal to Submit to Chemical/Physical Test. He was

credited with time served and received a 12-month period of probation with special conditions. (Case No. **SC23-0417**)

Michael Gray Moore of Deland, FL, public reprimand by publication, effective December 8, 2023. (Admitted to practice: 1992) In December 2020, in Volusia County Case No. 2020-105768-MMDL, Moore was charged by Information with Battery, a first-degree misdemeanor, which was alleged to have occurred on October 15, 2020. On May 24, 2022, Moore pled no contest and received a withhold of adjudication and six (6) months of conditional probation. (Case No: **SC22-1348**)

Heather Brooke Quick of Jacksonville, FL, public reprimand with requirement to attend The Florida Bar's Ethics School, effective within six (6) months of a January 16, 2023 court order. (Admitted to practice: 2001) Quick's firm was retained to represent a client in a divorce matter. The associate assigned to the case resigned from the firm. As a result, the client terminated the firm's services and demanded a refund of attorney's fees paid. Quick returned a portion of the retainer and indicated the delayed refund was due to a breakdown in her firm's policies and procedures. The Bar's auditor reviewed Quick's trust account and determined the delay in processing the refund was an unintentional error. (Case No: **SC22-1672**)

Susan Rachel Torres of Miami, FL, public reprimand, effective immediately following a February 9, 2023 court order. (Admitted to practice: 2011) Torres failed to timely correct a mistake in an appeal and failed to supervise a non-lawyer assistant in an immigration matter, causing an order of deportation to become final. Torres has refunded all the fees paid to her in this matter. (Case No: **SC23-155**)

Gary Grant of Boca Raton, FL, public reprimand with referral to The Florida Bar's Diversion/Discipline Consultation Service, effective immediately following a March 30, 2023 court order. (Admitted to practice: 2017) The court found that Grant, who represented a third party in post-judgment collection activities, including in a deposition and proceedings supplementary, pursuant to Fla. Stat. 56.29 and Fed. R. Civ. P. 69, acted with incompetence and made misstatements and baseless arguments in pleadings to the court. Grant admitted that he made mistakes in representing his client, but that said mistakes were due to a lack of competence rather than any intentional misrepresentation. (Case No: **SC23-0353**)

Mark Alan Kamilar of Miami, FL, public reprimand, effective immediately following a May 25, 2023 court order. (Admitted to practice: 1980) Kamilar consented to a public reprimand for a conflict of interest between two clients: the

law firm and its employee, the latter also subject of two separate Bar grievances. Kamilar served as Bar defense counsel for various attorneys from the law firm, authored the confidential termination agreement by which the employee left the law firm, and sent a letter to same employee threatening legal action on behalf of the law firm. Kamilar has withdrawn representation in the two Bar matters. (Case No: **SC23-0683**).

George Crosby Gaskell, III of Stuart, FL, public reprimand with requirement to attend The Florida Bar's Trust Accounting Workshop, as well as to participate in The Florida Bar's Fee Arbitration Program with the affected client and in Florida Lawyer's Assistance, Inc., effective immediately following an April 13, 2023 court order. (Admitted to practice: 2007) Gaskell represented two clients in an eviction case. After he successfully negotiated a settlement, a dispute arose between Gaskell and his clients regarding his legal fees. Gaskell believed the clients orally authorized him to keep the settlement funds as payment of the fees owed but did not reduce the agreement to writing. After Gaskell took the funds as payment, the clients disputed that this agreement existed. Gaskell's failure to maintain adequate communication with his clients contributed to the misunderstanding about his legal fees. (Case No: **SC22-948**)

Edward Serrano Rosado of Tampa, FL, public reprimand, effective immediately following a June 1, 2023 court order. (Admitted to practice: 2003) Rosado failed to diligently file a lawsuit or take other appropriate action on a client's behalf in a personal injury matter, which resulted in the expiration of the statute of limitations for the client's claims. (Case No. **SC23-0713**)

RoseMarie Feller of Lake Mary, FL, public reprimand with requirement to attend The Florida Bar's Ethics School, effective immediately following a June 15, 2023 order. (Admitted to practice: 2001) Feller and a former client entered into a business relationship where they created a new law firm in which the former client, a non-lawyer, had an ownership interest. Such a business arrangement is prohibited by the Rules Regulating The Florida Bar. Although Feller took steps to change the ownership interest in the law firm to comply with the rules, her former client continued marketing efforts that did not comply with the Bar's rules. After Feller ended the business relationship with her former client, the former client filed suit against her. Feller told opposing counsel in the suit that, unless it was dismissed, she would file criminal charges against the former client and his family members. The Bar rules prohibit an attorney from threatening criminal charges to gain an advantage in a civil matter. (Case No. **SC22-1779**)

Marc S. Reiner of West Palm Beach, FL, public reprimand with requirement to attend The Florida Bar's Professionalism Workshop and Certification Review Course for Criminal Law, effective immediately following an August 24, 2023 court order. (Admitted to practice: 2008) Reiner represented a client in a criminal matter. The client was under pretrial supervision with location-tracking ankle monitor. During the representation, Reiner met with the client with the permission of Pretrial Services, but made stops during that meeting that were not specifically authorized. When questioned by the court regarding the stops, Reiner did not provide sufficient or clear responses as to the stops, or as to his belief that those stops were permissible. (Case No. **SC23-0387**)

Kaysia Monica Earley of Sunrise, FL, public reprimand with requirement to attend The Florida Bar's Ethics School, effective immediately following an August 10, 2023 court order. (Admitted to practice: 2014) During a judicial election campaign, Earley engaged in campaign misconduct, which included soliciting donations by handing out postcards, and giving speeches that directed voters to her website, which contained a "Donate Now" button. (Case No. **SC23-1070**)

David George Simmons, Jr. of Port Saint Lucie, FL, public reprimand with requirement to attend The Florida Bar's Ethics School, effective immediately following a September 21, 2023 court order. (Admitted to practice: 2011) Simmons entered a notice of appearance to substitute for a suspended lawyer, believing that said lawyer's suspension was short-term, when, in fact, it required proof of rehabilitation prior to reinstatement. Because Simmons assumed he would not be representing the client long-term, he failed to obtain specific details regarding the client's case and had only a basic understanding of the issues. Simmons failed to appear for several hearings after being duly noticed by the court. The court ultimately sanctioned Simmons and ordered him to pay attorney's fees to the opposing counsel. (Case No. **SC23-1260**)

Thomas J. Wenzel of Plantation, FL, public reprimand, to be administered by service of the court's order approving the proposed consent judgment, with requirement to attend The Florida Bar's Professionalism Workshop, submit to review from The Florida Bar's Diversion/Discipline Consultation Service (DOCS), and to comply with all other terms and conditions set forth in the consent judgment, effective immediately following an October 26, 2023 court order. (Admitted to practice: 2013) In four (4) separate cases, Wenzel did not comply with court orders to mediate within 105 days. The presiding judge issued show cause orders, and, in one case, Wenzel did not appear for mediation, which led to a referral to the Seventeenth Judicial Circuit's Professionalism Panel. (Case No. **SC23-1434**)