

Third District Court of Appeal

State of Florida

Opinion filed April 29, 2026.
Not final until disposition of timely filed motion for rehearing.

No. 3D25-1947
Lower Tribunal No. 24-1937-CP-02

Emilie Gonzalez, et al.,
Appellants,

vs.

Maria Del Pilar Alvarez,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Jose Luis Fernandez, Judge.

Valero Law PLLC, and David T. Valero and Amanda E. Valero-Vincent (Davie), for appellants.

Law Offices of Mendez & Mendez, P.A., and Sergio L. Mendez, Daniel J. Mendez, and Daniela C. Pachon, for appellee.

Before FERNANDEZ, LOBREE and BOKOR, JJ.

PER CURIAM.

Affirmed. See Applegate v. Barnett Bank of Tallahassee, 377 So. 2d 1150, 1152 (Fla. 1979) (“Without a record of the trial proceedings, the appellate court can not properly resolve the underlying factual issues so as to conclude that the trial court’s judgment is not supported by the evidence or by an alternative theory.”); Mercer v. Raine, 443 So. 2d 944, 945 (Fla. 1983) (“The exercise of discretion by a trial judge who sees the parties first-hand and is more fully informed of the situation, is essential to the just and proper application of procedural rules. In the absence of facts showing an abuse of that discretion, the trial court’s decision excusing, or refusing to excuse, noncompliance with rules . . . must be affirmed. . . . It is the duty of the trial court, and not the appellate courts, to make that determination.” (quotation omitted)).