

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

AARON J. MOSS,
Appellant,

v.

PERSAUD USA PROPERTY HOLDINGS, LLC,
Appellee.

No. 4D2025-0115

[April 1, 2026]

Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Carlos Augusto Rodriguez, Judge; L.T. Case Nos. CACE22-014020; CACE23-012721.

David Hirsch of Broward's Hirsch and Associates, Davie, for appellant.

Lisette Gonzalez of Cole, Scott & Kissane, P.A., Miami, for appellee.

PER CURIAM.

Affirmed. See *Relyea v. State*, 385 So. 2d 1378, 1382–83 (Fla. 4th DCA 1980) (“[A] landowner is not an insurer of the safety of his invitees and is not required to take precautions against a sudden attack from a third person which he has no reason to anticipate.”), *disapproved of on other grounds by Avallone v. Bd. of Cnty. Comm’rs of Citrus Cnty.*, 493 So. 2d 1002 (Fla. 1986); *Varone v. Publix Super Markets, Inc.*, 51 Fla. L. Weekly D490a (Fla. 4th DCA Mar. 18, 2026) (“We hold that *Relyea* remains good law . . . Foreseeability, as it bears on duty, arises from a landowner’s knowledge of prior similar conduct, not from the unforeseeable, isolated act of a particular assailant.”); *Las Olas Holding Co. v. Demella*, 228 So. 3d 97, 103 (Fla. 4th DCA 2017) (“[A] property owner ‘is ordinarily under no duty to exercise any care to warn or guard against the harmful acts of a third party unless that third party’s harmful behavior is reasonably foreseeable.’” (quoting *Leitch v. City of Delray Beach*, 41 So. 3d 411, 412 (Fla. 4th DCA 2010))); *Bryan v. Galley Maid Marine Prods., Inc.*, 287 So. 3d 1281, 1286 (Fla. 4th DCA 2020).

LEVINE, FORST and SHEPHERD, JJ., concur.

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Not final until disposition of timely-filed motion for rehearing.