

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA
CIVIL DIVISION DIV: "AF"
CASE NO.: 2020CA000251AXX

BOCA VIEW CONDOMINIUM
ASSOCIATION, INC.,

Plaintiff,

vs.

ELEANOR LEPELTER, and
EDWARD LEPELTER,

Defendants.

**ORDER DENYING PLAINTIFF, BOCA VIEW CONDOMINIUM
ASSOCIATION, INC.'s MOTION FOR REHEARING AND/OR NEW TRIAL**

THIS CAUSE came before the Court on Plaintiff, Boca View Condominium Association, Inc.'s ("Plaintiff") Motion for Rehearing and/or Motion for New Trial (DE #338), filed December 19, 2022. The Court, having carefully reviewed Plaintiff's Motion, the court file and record, including the Court's Final Judgment (DE #333), entered December 2, 2022, having heard the evidence presented at the trial of this cause, and after being otherwise fully advised in the premises, it is hereby

ORDERED and ADJUDGED that Plaintiff, Boca View Condominium Association, Inc.'s Motion for New Trial is **DENIED**. In that regard, the Court notes first, that some of the grounds raised in the 83-page Motion¹ were not argued or preserved at trial, or, if argued and preserved, the Court re-adopts and re-affirms its previous trial court rulings.

¹ The length of this Motion, without seeking leave, is a violation of the rules of every jurisdiction known to this Court, both federal and state. However, the Court is not striking it and has considered it on its merits.

Secondly, the Court affirms that substantial, competent evidence amply supported the Court's verdict in this case and rejects any assertion that the verdict was against the manifest weight of the evidence. *See Laskey v. Smith*, 239 So. 2d 13 (Fla. 1970); *Brown v. Estate of Stuckey*, 749 So. 2d 490, 497 (Fla. 1999); *Smith v. Brown*, 525 So. 2d 868, 870 (Fla. 1988).

Third, the "Statement of Facts" presented as a header in Plaintiff's Motion, should in reality be labeled "Statement of Unproven Theories," as the grand conspiracy theme of Plaintiff's Motion was simply unproven rhetoric and largely irrelevant. It is further

ORDERED and ADJUDGED that the Court **DIRECTS** that the Judgment entered December 2, 2022 be executed forthwith. Given the holiday season, the Court gives the parties thirty (30) days from the entry of this Order for the record review by Eleanor Lepselter or her authorized representative. The Plaintiff will provide three (3) dates in the next ten (10) days for the record review to take place within thirty (30) days. The defendant shall select one of those dates. The Court will not entertain any Motion for Stay of the Judgment or its Execution on the non-monetary portion of the Judgment.

DONE and ORDERED in Chambers, at West Palm Beach, Palm Beach County, Florida, this 28 day of December, 2022.



JOHN S. KASTRENAKES
Circuit Judge

COPIES FURNISHED:

All counsel of Record