

APPENDICES

APP A

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA

THIRD DISTRICT

NOVEMBER 13, 2017

LUIS A. SORO,
Appellant(s)/Petitioner(s),
vs.
THE KEYES COMPANY,
Appellee(s)/Respondent(s),

CASE NO.: 3D16-2547

L.T. NO.: 15-6692

Upon consideration, appellant's pro se motion for reconsideration is
hereby denied. SUAREZ, SCALES and LINDSEY, JJ., concur.



cc: Bruce I. Kamelhair

Luis A. Soro

la

APP B

Third District Court of Appeal

State of Florida

Opinion filed September 27, 2017.

Not final until disposition of timely filed motion for rehearing.

No. 3D16-2547

Lower Tribunal No. 15-6692

Luis A. Soro,
Appellant,

vs.

The Keyes Company,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Thomas J. Rebull,
Judge.

Luis A. Soro, in proper person.

Friedlander & Kamelhair, PL and Bruce I. Kamelhair (Fort Lauderdale), for
appellee.

Before SUAREZ, SCALES and LINDSEY, JJ.

PER CURIAM.

Affirmed.

APPE

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

LUIS A. SORO,

Circuit Civil

Plaintiff,

Case Number 15-06692-CA-13

vs.

**ORDER GRANTING KEYES' MOTION TO
DISMISS COMPLAINT WITH PREJUDICE**

THE KEYES COMPANY,

Defendant.

_____ /

This cause having come to be heard before the Court on November 10, 2015, on The Keyes Company's *Motion to Dismiss*, and the Court being fully advised in the premises, heard argument of the parties and counsel, reviewed the pleadings, and being otherwise duly advised in the premises, it is

ORDERED AND ADJUDGED that:

1. The Keyes Company's *Motion to Dismiss*, is hereby granted **WITH PREJUDICE** because of the Plaintiff, Luis A. Soro has failed to plead a claim cognizable in law or equity, under such circumstances that the Complaint is amenable to being amended to state a cause of action, because:

- a. The cause of action is barred by the Statute of Frauds; and
- b. The cause of action is barred by the Statute of Limitations in that it was not brought against a "professional" within two (2) years from the date of the events alleged as giving rise to the cause of action;
- c. Plaintiff has failed to plead a legal basis for a claim against Keyes based on a breach of a duty cognizable under Chapter 475, F.S. §§475.278, F.S.
- d. Plaintiff has failed to plead a legal basis for a claim against Keyes based on a breach of a duty cognizable under Chapter 475, F.S., §§475.278(2), F.S., which requires that any duty assumed Keyes in addition to those specified in §§475.278(2), F.S., must be in writing signed by Keyes.

AM 7:47

e. The cause of action is barred by §§83.43(1)(7), F.S. because the Lease attached to the complaint is and was unenforceable and in violation of the Florida Residential Land-Tenant Act (Chapter 83 Part 2, F.S.)

f. The Complaint failed to state a cause of action due to the conflicts between the allegations and Exhibits attached to the Complaint, in that the Complaint alleges that the Lease grants him a right or option to buy the Property referenced in the Complaint; however, the Lease attached to the Complaint does not contain any language giving the Plaintiff a right of acquisition of the Property under any terms; therefore, the allegations as to the Lease and right to purchase are in conflict and render the Complaint a nullity such that it fails to state a cause of action.

2. Plaintiff has failed to attach to the Complaint a written document that establishes his right to buy the Property.

3. Plaintiff has failed to attach to the Complaint a written agreement signed by Keyes whereby Keyes agreed to represent its client, Jose L. Soro to the benefit of the Plaintiff as opposed to the benefit of Jose L. Soro.

4. Rule 1.130 (a) Fla.R.Civ.P requires that the material parts of a document, or a copy of it, on which an action is brought must be incorporated in or attached to the pleading and the failure to attach the document renders the pleading defective such as to fail to state a cause of action

DONE AND ORDERED in Court, in Miami-Dade, Florida, on this November 10, 2015.


THOMAS J. REBULL
Circuit Judge

Copies furnished to:
Bruce I. Kamelhair, Esq. 200220
Luis A. Soro

Handwritten: NATALY VALDES
VER. 407 800-726-7007

Handwritten: Thomas J. Rebull
Circuit Court Judge

FILED ORDERS AS TO ALL PARTIES	
SRS DISPOSITION	
NUMBER	12
THE COURT	
ANY PART	
OR PREVIOUS ORDER	
AS TO ALL PARTIES IS CLOSED	
Judge's Initials <i>TJR</i>	