

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR
MIAMI-DADE COUNTY, FLORIDA**

APPELLATE DIVISION

Not Final Until disposition of timely filed motion for rehearing, clarification, or certification

**CASE NO.: 2019-000184-AP-01
LOWER COURT CASE NUMBER: 2019-011507-CC-05**

TATIANA MAYA DELGADO
Appellant(s)

vs.

OCTAVIO PINO
Appellee(s)

An Appeal from the County Court for Miami-Dade County, Florida, Judge William Altfield

Michael Van Cleve, Esq., counsel for Appellant.

OCTAVIO PINO, pro se. Appellee.

Before TRAWICK, WALSH, SANTOVENIA, JJ. (panel)

PER CURIAM.

Affirmed in part and Reversed in part. The trial court appropriately entered final judgment as to Count I of the complaint for the removal of the Appellant. *See KD Lewis Enterprise Corp. v. Smith*, 445 So. 2d 1032, 1035 (Fla. 5th DCA 1984).

However, it was error for the trial court to enter final judgment as to Count II for damages with outstanding affirmative defenses pending. Further, a motion to amend pleadings filed by the Appellant to add a counterclaim was filed between the hearing on the Appellee's motion to determine rent and the entry of final judgment. This motion must be addressed by the trial court. This matter is therefore remanded for proceedings on the remaining count of the complaint and on Appellant's motion to amend pleadings.

TRAWICK, WALSH and SANTOVENIA, JJ. concur.

This 21st day of July, 2020.

cc:

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