

FLORIDA THIRD DISTRICT COURT OF APPEAL

Septentriona Domus, LLC v. Keystone Morgan Real Estate and  
Property Management LLC

Septentriona Domus, LLC v. Keystone Morgan Real Estate and Property Management LLC · No. 3D24-0264 ·  
Decided March 19, 2025

SUMMARY

The Florida Third District Court of Appeal affirmed a final summary judgment for Joan Bennett and Keystone Property Management, Inc. in an investment-property dispute involving alleged fraudulent inducement, breach of fiduciary duty, civil conspiracy, negligent misrepresentation, and violations of Florida's Deceptive and Unfair Trade Practices Act. The court held that the appellants failed to identify probative evidence establishing a genuine issue of material fact or a basis for imposing liability on the appellees for the conduct of other defendants.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Florida Third District Court of Appeal                                                                                                                                                                                                                                                                                                               |
| WRITING FOR THE COURT | SCALES, J.; FERNANDEZ, J.; MILLER, J.                                                                                                                                                                                                                                                                                                                |
| JURISDICTION          | Florida Third District Court of Appeal                                                                                                                                                                                                                                                                                                               |
| DECIDED               | March 19, 2025                                                                                                                                                                                                                                                                                                                                       |
| DOCKET                | 3D24-0264                                                                                                                                                                                                                                                                                                                                            |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                                             |
| PROCEDURAL POSTURE    | Plaintiffs appealed a final summary judgment entered for defendants in an action alleging fraudulent inducement, breach of fiduciary duty, civil conspiracy, negligent misrepresentation, and violations of the Florida Deceptive and Unfair Trade Practices Act.                                                                                    |
| STANDARD OF REVIEW    | Summary judgment is reviewed de novo. Under Florida Rule of Civil Procedure 1.510 and Celotex, when the nonmovant bears the trial burden, the movant may meet its initial burden by demonstrating an absence of proof supporting the nonmovant's case; the nonmovant must then produce probative evidence creating a genuine issue of material fact. |
| PRECEDENTIAL VALUE    | Published Florida district court of appeal opinion                                                                                                                                                                                                                                                                                                   |
|                       |                                                                                                                                                                                                                                                                                                                                                      |

## PARTIES

Septentriona Domus, LLC, Meridiana Domus, LLC, Jean Paul Charles, Thierry Goix v. Keystone Morgan Real Estate and Property Management LLC, Keystone Property Management, Inc., Joan Bennett

## TOPICS

summary judgment

standard of review

civil procedure

commercial litigation

consumer protection

## PRACTICE AREAS

civil procedure

commercial litigation

real estate

consumer protection

torts

## QUESTIONS PRESENTED

1. Whether the defendants were entitled to summary judgment because appellants failed to identify probative evidence establishing a genuine issue of material fact on their asserted claims.
2. Whether appellants presented evidence that Joan Bennett made actionable misrepresentations, had a fiduciary relationship with appellants, or was personally liable for conduct by Bruno Cluzel or Keystone Morgan.
3. Whether appellants presented evidence of wrongful conduct by Keystone Property Management, Inc. or a legal basis for imposing derivative liability on it for conduct by Keystone Morgan.

## HOLDINGS

1. Summary judgment was proper because appellants failed to identify probative evidence that would permit a factfinder to find in their favor on any asserted claim.
2. Appellants failed to establish a genuine issue of material fact because they identified no probative record evidence that Bennett made actionable misrepresentations to them on which they detrimentally relied.
3. Appellants failed to establish a genuine issue of material fact because they identified neither wrongful conduct by Keystone nor a legal basis for holding Keystone liable for conduct by Keystone Morgan or Cluzel.

## KEY QUOTATIONS

*“Because Appellants’ summary judgment showing did not demonstrate any genuine issue of fact that could form the basis of a verdict in their favor, we affirm.”* (at 3)

*“Once the moving party demonstrates an absence of proof, “it is incumbent upon the nonmoving party to come forward with evidentiary material demonstrating that a genuine issue of material fact exists as to an element necessary for the non-movant to prevail at trial.””* (at 4)

*““If the evidence [presented by the nonmovant] is merely colorable, or is not significantly probative, summary judgment may be granted.””* (at 4)

*“ “[T]he nonmovant’s evidence must be of sufficient weight and quality that ‘reasonable jurors could find by a preponderance of the evidence that [the nonmovant] is entitled to a verdict.’ ” ” (at 4)*

## FACTUAL BACKGROUND

Appellants alleged that defendants fraudulently induced them to purchase ten investment properties in Detroit and Atlanta at inflated prices and later mismanaged those properties. Most direct communications with appellants were conducted by Bruno Cluzel, rather than Joan Bennett, and the properties were briefly managed by Keystone Morgan under written management agreements. Appellants sought to hold Bennett liable based on her affiliation with Cluzel and Keystone Morgan and to hold Keystone Property Management, Inc. liable based on Bennett's control and Keystone's ownership interest in Keystone Morgan.

## PROCEDURAL HISTORY

Appellants sued defendants based on alleged fraudulent inducement and mismanagement of investment properties. The trial court conducted a summary judgment hearing on September 27, 2023, entered a detailed summary judgment order, and then entered final summary judgment for Joan Bennett and Keystone Property Management, Inc. on January 17, 2024. Appellants appealed, and the Third District Court of Appeal affirmed.

## DISPOSITION

affirmed

## CASES CITED

- Celotex Corp. v. Catrett, 477 U.S. 317, 325 (1986)
- Coury v. City of Tampa, 397 So. 3d 805, 811-12 (Fla. 2d DCA 2024)
- Rich v. Narog, Rich v. Narog, 366 So. 3d 1111, 1118 (Fla. 3d DCA 2022)
- Ibarra v. Ross Dress for Less, Inc., 350 So. 3d 465, 467 (Fla. 3d DCA 2022)
- Susan Fixel, Inc. v. Rosenthal & Rosenthal, Inc., 842 So. 2d 204, 209 (Fla. 3d DCA 2003)
- Ruiz v. Warren Henry Autos., Inc., 949 So. 2d 261, 262 (Fla. 3d DCA 2007)
- In re Amendments to Florida Rule of Civil Procedure 1.510, 309 So. 3d 192, 193 (Fla. 2020)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 252 (1986)