

FLORIDA THIRD DISTRICT COURT OF APPEAL

Rich Omoruyi v. Ana Falla

No. 3D25-1866; Lower Tribunal No. 23-21802-CA-01 · No. No. 3D25-1866 · Decided June 24, 2026

SUMMARY

The Florida Third District Court of Appeal affirmed orders striking Rich Omoruyi’s pleadings, dismissing his negligence complaint, and denying his motion to vacate the dismissal. The court held that the limited appellate record, including missing hearing transcripts, did not establish reversible error or a legally sufficient basis for judicial disqualification based on alleged bias.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	Fernandez, J.; Lindsey, J.; Lobree, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	June 24, 2026
DOCKET	No. 3D25-1866
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from orders granting the appellee's motion to strike the appellant's pleadings and dismissing the negligence complaint, denying a subsequent motion to vacate the dismissal, and denying a motion to disqualify the trial judge.
STANDARD OF REVIEW	The appellate court could not adequately review the alleged trial-court errors because the appellant failed to provide necessary hearing and case-management-conference transcripts. For judicial disqualification, the issue was whether the alleged facts would cause a reasonably prudent person to fear not receiving a fair and impartial trial.
PRECEDENTIAL VALUE	published
PARTIES	Rich Omoruyi v. Ana Falla, et al.

TOPICS

- appellate procedure
- preservation of error
- due process
- civil procedure
- discovery dispute

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the appellate court could determine that the trial court committed reversible error in dismissing Omoruyi's negligence action while discovery disputes and motions remained pending when Omoruyi failed to provide necessary hearing transcripts.
2. Whether the trial court erred in denying Omoruyi's motion to disqualify based on alleged judicial bias when the record did not show facts causing a reasonably prudent person to fear not receiving a fair and impartial trial.

HOLDINGS

1. When an appellant fails to provide necessary transcripts of relevant trial-court proceedings, the appellate court cannot adequately review the asserted factual and legal errors and will affirm absent a record establishing reversible error.
2. A motion to disqualify a trial judge must allege facts that would place a reasonably prudent person in fear of not receiving a fair and impartial trial; an adverse ruling, standing alone, is not a legally sufficient basis for disqualification.

KEY QUOTATIONS

"Without a record of the trial proceedings, the appellate court can not properly resolve the underlying factual issues so as to conclude that the trial court's judgment is not supported by the evidence or by an alternative theory." (at 1)

"Without knowing the factual context, neither can an appellate court reasonably conclude that the trial judge so misconceived the law as to require reversal." (at 1)

"A legally sufficient motion [to disqualify a trial judge] must allege facts that would place a reasonably prudent person in fear of not receiving a fair and impartial trial." (at 2)

"An adverse ruling is not a legally sufficient basis to disqualify a judge." (at 2)

FACTUAL BACKGROUND

Omoruyi brought a negligence action in the Miami-Dade County Circuit Court. The trial court struck his pleadings, dismissed the complaint, denied a motion to vacate the dismissal, and denied a motion to disqualify the judge. Omoruyi asserted that dismissal while discovery disputes and motions were pending violated due process, but he did not provide transcripts of several relevant hearings and case management conferences. He also attributed his alleged fear of an unfair trial to the trial court's adverse rulings.

PROCEDURAL HISTORY

The Miami-Dade County Circuit Court struck Omoruyi's pleadings, dismissed his negligence complaint, denied his motion to vacate the dismissal, and denied his motion to disqualify the trial judge. Omoruyi appealed, arguing that dismissal during pending discovery disputes violated due process and that the denial of

disqualification reflected judicial bias. The Third District Court of Appeal affirmed because the limited appellate record did not permit review of the alleged errors and did not establish legally sufficient grounds for disqualification.

DISPOSITION

affirmed

CASES CITED

- Applegate v. Barnett Bank of Tallahassee, 377 So. 2d 1150, 1152 (Fla. 1979)
- R.J. Reynolds Tobacco Co. v. Cuddihee, 272 So. 3d 796, 797 (Fla. 1st DCA 2019)
- Montes v. Universal Prop. & Cas. Ins. Co., 403 So. 3d 392, 396 (Fla. 2d DCA 2025)

OPINION

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed June 24, 2026. Not final until disposition of timely filed motion for rehearing. _____ No. 3D25-1866 Lower Tribunal No. 23-21802-CA-01 _____ Rich Omoruyi, Appellant, vs. Ana Falla, et al., Appellees. An Appeal from the Circuit Court for Miami-Dade County, Migna Sanchez-Llorens, Judge.

Rich Omoruyi, in proper person. Gray Robinson, P.A., and Jack R. Reiter, and Eric M. Yesner, for appellee Ana Falla. Before FERNANDEZ, LINDSEY, and LOBREE, JJ. PER CURIAM. Appellant, Rich Omoruyi, appeals the trial court's orders granting Appellee, Ana Falla's, motion to strike Omoruyi's pleadings and dismissing Omoruyi's negligence complaint, as well as the trial court's order denying Omoruyi's subsequent motion to vacate the order of dismissal.

Based on the limited record available to us, we are constrained to affirm the trial court's decisions and hold the trial court committed no reversible error. Omoruyi argues that trial court violated his due process rights by dismissing this action while discovery disputes and motions remained pending. But Omoruyi failed to provide necessary transcripts of several hearings and case management conferences to confirm his arguments.

In turn, we are unable to adequately review the record to determine whether reversible error exists. See Applegate v. Barnett Bank of Tallahassee, 377 So. 2d 1150, 1152 (Fla. 1979) ("Without a record of the trial proceedings, the appellate court can not properly resolve the underlying factual issues so as to conclude that the trial court's judgment is not supported by the evidence or by an alternative theory.

Without knowing the factual context, neither can an appellate court reasonably conclude that the trial judge so misconceived the law as to require reversal."). Therefore, we are constrained to

affirm. 2 Omoruyi then argues that the trial court erred in denying his motion to disqualify, reflecting judicial bias. Yet, the limited record does not establish circumstances indicating a reasonable person would anticipate not receiving a fair trial.

See *R.J. Reynolds Tobacco Co. v. Cuddihee*, 272 So. 3d 796, 797 (Fla. 1st DCA 2019) (quotation omitted) (“A legally sufficient motion [to disqualify a trial judge] must allege facts that would place a reasonably prudent person in fear of not receiving a fair and impartial trial.”). At most, we can only conclude that Omoruyi’s fear of not receiving a fair trial stems from the trial court’s adverse rulings; that alone is not enough to disqualify a judge.

See *Montes v. Universal Prop. & Cas. Ins. Co.*, 403 So. 3d 392, 396 (Fla. 2d DCA 2025) (“An adverse ruling is not a legally sufficient basis to disqualify a judge.”). Thus, we are compelled to affirm. Affirmed. 3