

# THIRD DISTRICT COURT OF APPEAL OF FLORIDA

## Lumech, Inc. v. Union Venture Trading S.A.

No. 3D24-1214 · No. 3D24-1214 · Decided November 5, 2025

### SUMMARY

The Third District Court of Appeal dismissed Lumech, Inc.'s appeal from a judgment arising out of a contract dispute involving frozen chicken parts. The court held that the June 5, 2024 final judgment was not timely appealed within thirty days, and that the earlier April 6 order was nonfinal and therefore did not trigger appellate jurisdiction or toll the filing period.

### CASE DETAILS

|                       |                                                                                                                                                                   |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Third District Court of Appeal of Florida                                                                                                                         |
| WRITING FOR THE COURT | Miller, J.; Scales, C.J.; Gooden, J.                                                                                                                              |
| JURISDICTION          | Florida Third District Court of Appeal                                                                                                                            |
| DECIDED               | November 5, 2025                                                                                                                                                  |
| DOCKET                | 3D24-1214                                                                                                                                                         |
| DISPOSITION           | dismissed                                                                                                                                                         |
| PROCEDURAL POSTURE    | Appeal from a final judgment awarding damages after a nonjury trial; the appellee challenged the court's jurisdiction on the ground that the appeal was untimely. |
| STANDARD OF REVIEW    | Not expressly stated; the court decided the issue as one of appellate jurisdiction.                                                                               |
| PRECEDENTIAL VALUE    | Published opinion                                                                                                                                                 |
| PARTIES               | Lumech, Inc., Rene Gonzalez v. Union Venture Trading S.A.                                                                                                         |

### TOPICS

- appellate jurisdiction
- final judgment rule
- appellate procedure
- civil procedure
- breach of contract

### PRACTICE AREAS

- appellate procedure
- civil procedure
- contracts
- commercial litigation

### QUESTIONS PRESENTED

- Whether the April 6, 2024 order was a final order from which the time for appeal began to run.

2. Whether the June 5, 2024 final judgment had to be appealed within thirty days under Florida Rule of Appellate Procedure 9.110(b).
3. Whether the July 8, 2024 notices of appeal were timely and therefore invoked appellate jurisdiction.

#### HOLDINGS

1. Florida Rule of Appellate Procedure 9.110(b)'s thirty-day filing period is jurisdictional, and a notice of appeal filed more than thirty days after rendition of a final judgment does not invoke appellate jurisdiction.
2. The April 6, 2024 order was nonfinal because further judicial labor remained and the trial court expressly reserved ruling against Lumech; consequently, the motion for rehearing did not toll rendition.
3. The July 8, 2024 notices of appeal were untimely because July 5, 2024, was the thirtieth day after entry of the June 5 final judgment and was neither a state court holiday nor a court holiday designated by the chief judge.

#### KEY QUOTATIONS

*“Where the notice of appeal is not filed within thirty days of rendition, the appellate court is precluded from exercising jurisdiction over the appeal.”* (at 3)

*“Accordingly, we lack jurisdiction to adjudicate this appeal. Appeal dismissed.”* (at 5)

#### FACTUAL BACKGROUND

Union Venture contracted to purchase frozen chicken feet and paws from Lumech and wired a substantial sum of money. Lumech neither delivered the chicken parts nor returned the money. Union Venture sued Lumech and its chief executive officer, Rene Gonzalez, and ultimately obtained judgments for breach of contract against Lumech and fraudulent inducement against Gonzalez.

#### PROCEDURAL HISTORY

Union Venture obtained a default and default final judgment as to liability after Lumech and Gonzalez failed to respond to the complaint. After several unsuccessful motions to vacate, dismiss, continue, and quash service, the trial court entered a nonfinal April 6, 2024 order reserving ruling as to Lumech, followed by a final June 5, 2024 judgment against Lumech and Gonzalez. Lumech filed notices of appeal on July 8, 2024, and the district court dismissed the appeal as untimely.

#### DISPOSITION

dismissed

#### CASES CITED

- Lumech, Inc. v. Union Venture Trading S.A., 390 So. 3d 209 (Fla. 3d DCA 2024)
- Am. Auto. Ass'n v. C.D.S. Towing & Recovery, Inc., 805 So. 2d 1064, 1065 (Fla. 3d DCA 2002)

- Concierge Auctions, LLC v. Coldwell Banker Residential Real Est., LLC, 394 So. 3d 119, 125 (Fla. 3d DCA 2024)

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