DISTRICT COURT OF APPEAL OF FLORIDA, SECOND DISTRICT

Deutsche Bank Trust Company Americas v. Maas

Deutsche Bank Trust Company Americas v. Maas · No. 2D15-898 · Decided July 14, 2017

SUMMARY

The Florida Second District Court of Appeal reversed an involuntary dismissal of Deutsche Bank Trust Company Americas' foreclosure complaint. The court held that the trial court abused its discretion by denying reconsideration based on excusable neglect and by refusing to grant relief from technical admissions under Florida Rule of Civil Procedure 1.370(b). The case was remanded for further proceedings.

CASE DETAILS

COURT	District Court of Appeal of Florida, Second District
WRITING FOR THE COURT	Per Curiam; Kelly; Villanti; Khouzam
JURISDICTION	Florida
DECIDED	July 14, 2017
DOCKET	2D15-898
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Bank appealed a final order involuntarily dismissing its foreclosure complaint after the trial court denied its motions for reconsideration and for relief from technical admissions.
STANDARD OF REVIEW	Abuse of discretion
PRECEDENTIAL VALUE	published
PARTIES	Deutsche Bank Trust Company Americas as trustee for RALI 2005QA8 v. Becki Ruth Maas, Ryan David Maas

TOPICS

foreclosure · motion for reconsideration · civil procedure · appellate procedure · remedies

PRACTICE AREAS

civil procedure · foreclosure · appellate procedure · remedies

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by denying reconsideration of the order denying the Bank's motion for relief from admissions when the attorney's failure to appear resulted from inadvertent scheduling error supported by a sworn affidavit.
2. Whether the trial court abused its discretion by refusing to permit withdrawal of technical admissions that were contradicted by record evidence when the opposing parties failed to show prejudice.
3. Whether the involuntary dismissal of the foreclosure complaint could stand after the trial court improperly denied the Bank the opportunity to obtain relief from the admissions and present or proffer evidence supporting foreclosure.

HOLDINGS

1. The trial court abused its discretion by denying reconsideration because the Bank's sworn affidavit established that its attorney's failure to appear was inadvertent and constituted excusable neglect.
2. The trial court abused its discretion by refusing to permit withdrawal of the technical admissions because the record contained evidence contradicting them and the Maases failed to show prejudice to their ability to maintain their defense.
3. The order involuntarily dismissing the Bank's foreclosure complaint was reversed, and the case was remanded for further proceedings consistent with the opinion.

KEY QUOTATIONS

> *"[W]here inaction results from clerical or secretarial error, reasonable misunderstanding, a system gone awry or any other of the foibles to which human nature is heir, then upon timely application accompanied by a reasonable and credible explanation the matter should be permitted to be heard on the merits."* (-2-)

> *"Reflecting Florida courts' longstanding preference to decide cases on the merits, this court and others have repeatedly held that relief from technical admissions is to be liberally granted."* (-3-)

FACTUAL BACKGROUND

The Bank's foreclosure complaint was involuntarily dismissed after its attorney failed to appear telephonically at a hearing on a verified motion for relief from requests for admissions. The attorney's absence resulted from a scheduling-department error, and the Bank promptly supported its motion for reconsideration with a sworn affidavit explaining the error. The record contained evidence contradicting the technical admissions, and the Maases did not demonstrate prejudice from their withdrawal.

PROCEDURAL HISTORY

The Bank's attorney failed to appear telephonically at a hearing on the Bank's motion for relief from admissions. The trial court denied the motion, later denied reconsideration despite a sworn affidavit explaining the attorney's nonappearance as a scheduling error, refused to withdraw the technical admissions, and prevented the Bank from presenting or proffering foreclosure evidence. The court then granted the Maases' motion for involuntary dismissal. The Second District reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Proceed consistently with the opinion, including granting appropriate relief from the technical admissions and allowing the Bank to present its foreclosure claim on the merits.

CASES CITED

- Somero v. Hendry General Hospital, 467 So. 2d 1103, 1106 (Fla. 4th DCA 1985)
- Wells Fargo Bank, National Ass'n v. Voorhees, 194 So. 3d 448, 451 (Fla. 2d DCA 2016)
- Pennymac Corp. v. Labeau, 180 So. 3d 1216, 1219 (Fla. 3d DCA 2015)
- Habib v. Maison Du Vin Francais, Inc., 528 So. 2d 553, 553 (Fla. 4th DCA 1988)