

FLORIDA THIRD DISTRICT COURT OF APPEAL

Manuel A. Menocal v. Mark Harrington, Etc.

No. 3D25-2247 · No. No. 3D25-2247 · Decided May 27, 2026

SUMMARY

The Third District Court of Appeal of Florida summarily reversed an order dismissing Manuel A. Menocal’s amended complaint with prejudice in a probate-related appeal. The court accepted the appellee’s confession of error and remanded for further proceedings under Florida Rule of Appellate Procedure 9.315(b).

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	SCALES, C.J.; FERNANDEZ, J.; GOODEN, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	May 27, 2026
DOCKET	No. 3D25-2247
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from a circuit-court order granting a motion to dismiss and dismissing Menocal's amended complaint with prejudice; appellee filed a confession of error on appeal.
PRECEDENTIAL VALUE	Published opinion; precedential status is subject to any applicable finality or rehearing disposition.
PARTIES	Manuel A. Menocal v. Mark Harrington, current personal representative, Predecessor personal representative of the Estates of Anna Nikolic and Lieselotte Schnarr

TOPICS

- probate procedure
- motions to dismiss
- appellate procedure
- pleadings
- civil procedure

PRACTICE AREAS

- Probate
- Civil procedure
- Appellate procedure

QUESTIONS PRESENTED

1. Whether the circuit court's order dismissing Menocal's amended complaint with prejudice should be reversed based on the appellee's confession of error.

HOLDINGS

1. The court summarily reversed the order dismissing Menocal's amended complaint with prejudice and remanded for further proceedings based on the appellee's confession of error.

KEY QUOTATIONS

“without opining on whether the confession of error contains a correct recitation of the law, we summarily reverse the challenged order pursuant to Florida Rule of Appellate Procedure 9.315(b) and remand for further proceedings.” (2)

“All pending motions are denied as moot. Reversed based on confession of error.” (2)

FACTUAL BACKGROUND

Menocal filed an amended complaint concerning the Estates of Anna Nikolic and Lieselotte Schnarr. The circuit court granted a motion to dismiss filed by the predecessor personal representative and dismissed the amended complaint with prejudice. On appeal, the current personal representative confessed error, suggesting that the trial court considered material outside the four corners of the amended complaint.

PROCEDURAL HISTORY

The Circuit Court for Miami-Dade County entered a July 3, 2025 order granting the predecessor personal representative's motion to dismiss Menocal's amended complaint with prejudice. Menocal appealed. After Menocal filed his initial brief, the current personal representative filed a confession of error, asserting that the trial court considered material beyond the four corners of the amended complaint. The District Court of Appeal treated the confession as an answer brief, summarily reversed, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remanded for further proceedings consistent with the summary reversal. All pending motions were denied as moot.