

DISTRICT COURT OF APPEAL OF FLORIDA, THIRD DISTRICT

Wirlen Antigua, et al. v. Diony Antigua, et al.

No. 3D25-1249 · No. 3D25-1249 · Decided June 18, 2026

SUMMARY

The Florida Third District Court of Appeal affirmed the circuit court's order in an appeal involving Wirlen Antigua and Diony Antigua. The court applied standards governing review of evidentiary findings, rehearing orders, and the continuing tort doctrine.

CASE DETAILS

COURT	District Court of Appeal of Florida, Third District
WRITING FOR THE COURT	Fernandez; Lobree; Gooden
JURISDICTION	Florida Third District Court of Appeal
DECIDED	June 18, 2026
DOCKET	3D25-1249
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Circuit Court for Miami-Dade County; the appellate court affirmed.
STANDARD OF REVIEW	Findings of fact derived from an evidentiary hearing are reviewed for competent and substantial evidence or abuse of discretion; legal conclusions are independently reviewed; factual findings receive deference. An order denying a motion for rehearing or reconsideration is reviewed for abuse of discretion. Under the continuing tort doctrine, a cause of action accrues when the tortious conduct ceases.
PRECEDENTIAL VALUE	Published Florida Third District Court of Appeal opinion; precedential status is subject to the pending rehearing period.
PARTIES	Wirlen Antigua, et al. v. Diony Antigua, et al.

TOPICS

- appellate procedure
- standard of review
- motion for reconsideration
- civil procedure
- torts

PRACTICE AREAS

- appellate procedure
- civil procedure
- torts

QUESTIONS PRESENTED

1. Whether the circuit court's ruling should be affirmed under the applicable standards governing review of evidentiary-hearing findings, legal conclusions, and a motion for rehearing or reconsideration.
2. Whether the continuing tort doctrine governed accrual of the asserted tort claim.

HOLDINGS

1. The circuit court's ruling was affirmed.

KEY QUOTATIONS

“Findings of fact derived from the evidentiary hearing, however, ‘may not be disturbed on appeal unless shown to be unsupported by competent and substantial evidence or to constitute an abuse of discretion.’”

“In reviewing the trial court's ruling following an evidentiary hearing, ‘[t]his Court independently reviews the trial court's legal conclusions and defers to the trial court’s findings of fact.’”

“We review an order denying a motion for rehearing or reconsideration for an abuse of discretion.”

“Under the continuing tort doctrine, the cause of action accrues when the tortious conduct ceases.”

“A continuing tort is “established by continual tortious acts, not by continual harmful effects from an original, completed act.””

FACTUAL BACKGROUND

The opinion does not set out the underlying factual background. It references an evidentiary hearing, a motion for rehearing or reconsideration, and an issue involving the continuing tort doctrine.

PROCEDURAL HISTORY

The appellants appealed an order of the Circuit Court for Miami-Dade County. The Third District Court of Appeal affirmed the circuit court's ruling in a per curiam opinion.

DISPOSITION

affirmed

CASES CITED

- IET, Inc. v. Intellocorp, LLC, 357 So. 3d 755, 758 (Fla. 3d DCA 2023)
- Thornton v. State, 327 So. 3d 1262, 1266 (Fla. 1st DCA 2021)
- N. Fla. Mango, LP v. LLS Holdings, LLC, 375 So. 3d 906, 913 (Fla. 4th DCA 2023)
- Effs v. Sony Pictures Home Entm’t, Inc., 197 So. 3d 1243, 1244-45 (Fla. 3d DCA 2016)

OPINION

Wirlen Antigua . v. Diony Antigua

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed June 18, 2026. Not final until disposition of timely filed motion for rehearing. _____ No. 3D25-1249 Lower Tribunal No. 21-7523-CA-01 _____ Wirlen Antigua, et al., Appellants, vs. Diony Antigua, et al., Appellees. An Appeal from the Circuit Court for Miami-Dade County, Migna Sanchez-Llorens, Judge. Manos Schenk, PL, and Tom J. Manos, for appellants. Algo Law Firm, LLP, and Ignacio M. Alvarez, and Gavin L. Sinclair, for appellees. Before FERNANDEZ, LOBREE and GOODEN, JJ. PER CURIAM. Affirmed. See Art. V, § 4, Fla. Const.; Fla. R. App. P. 9.030; IET, Inc. v. Intellocorp, LLC, 357 So. 3d 755, 758 (Fla. 3d DCA 2023) (“Findings of fact derived from the evidentiary hearing, however, ‘may not be disturbed on appeal unless shown to be unsupported by competent and substantial evidence or to constitute an abuse of discretion.’”); Thornton v. State, 327 So. 3d 1262, 1266 (Fla. 1st DCA 2021) (“In reviewing the trial court's ruling following an evidentiary hearing, ‘[t]his Court independently reviews the trial court's legal conclusions and defers to the trial court’s findings of fact.’” (citation omitted)); N. Fla. Mango, LP v. LLS Holdings, LLC, 375 So. 3d 906, 913 (Fla. 4th DCA 2023) (“We review an order denying a motion for rehearing or reconsideration for an abuse of discretion.”); Effs v. Sony Pictures Home Entm’t, Inc., 197 So. 3d 1243, 1244-45 (Fla. 3d DCA 2016) (“Under the continuing tort doctrine, the cause of action accrues when the tortious conduct ceases. ‘A continuing tort is “established by continual tortious acts, not by continual harmful effects from an original, completed act.”’” (citations omitted) (emphasis in original)). 2