

FLORIDA THIRD DISTRICT COURT OF APPEAL

Lincong Song v. Jiangang Luo

Song · No. 3D24-0494 · Decided July 16, 2025

SUMMARY

The Florida Third District Court of Appeal affirmed a nonfinal order denying Lincong Song's motion for relief from judgment and granting Jiangang Luo immediate possession of the marital home. The court summarily affirmed under Florida Rule of Appellate Procedure 9.315(a), citing the inadequate appellate record and failure to demonstrate a preliminary basis for reversal.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	Miller, J.; Emas, J.; Fernandez, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	July 16, 2025
DOCKET	3D24-0494
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a nonfinal order denying the wife's motion for relief from judgment and granting the husband immediate possession of the marital home.
PRECEDENTIAL VALUE	Published
PARTIES	Lincong Song v. Jiangang Luo

TOPICS

family law procedure

appellate procedure

interlocutory appeal

marriage

PRACTICE AREAS

family law

appellate procedure

QUESTIONS PRESENTED

- Whether the nonfinal order denying the wife's motion for relief from judgment and granting the husband's immediate possession of the marital home should be reversed.

2. Whether summary affirmance was appropriate when the appellant's brief and record did not demonstrate a preliminary basis for reversal.

HOLDINGS

1. The court summarily affirmed the nonfinal order because the initial brief and record did not demonstrate a preliminary basis for reversal, and the appellant did not file an amended brief.

KEY QUOTATIONS

“After service of the initial brief[,], . . . the court may summarily affirm the order to be reviewed if the court finds that no preliminary basis for reversal has been demonstrated.”

“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.”

FACTUAL BACKGROUND

The parties were married, and the marital home was at issue. The wife sought relief from judgment, while the husband sought immediate possession of the marital home. The appellate opinion does not provide additional underlying factual details because the appeal was summarily affirmed on an inadequate appellate record.

PROCEDURAL HISTORY

The Circuit Court for Miami-Dade County entered a nonfinal order denying Lincong Song's motion for relief from judgment and granting Jiangang Luo immediate possession of the marital home. Song appealed. The Third District Court of Appeal exercised jurisdiction under Florida Rule of Appellate Procedure 9.130(a)(3)(C)(ii) and (a)(5), and summarily affirmed after reviewing the initial brief and record and noting that Song did not file an amended brief.

DISPOSITION

affirmed

CASES CITED

- Applegate v. Barnett Bank of Tallahassee, 377 So. 2d 1150, 1152 (Fla. 1979)

OPINION

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed July 16, 2025. Not final until disposition of timely filed motion for rehearing. _____ No. 3D24-0494 Lower Tribunal No. 19-26773-FC-04 _____ Lincong Song, Appellant, vs. Jiangang Luo,

Appellee. An Appeal from a non-final order from the Circuit Court for Miami-Dade County, Christina Marie DiRaimondo, Judge.

Lincong Song, in proper person. Patrick Vilar, for appellee. Before EMAS, FERNANDEZ, and MILLER, JJ. MILLER, J. Appellant, Lincong Song, the wife, appeals from a nonfinal order denying her motion for relief from judgment and granting appellee, Jiangang Luo, the husband, the right to immediate possession of the marital home.

We have jurisdiction. See Fla. R. App. P. 9.130(a)(3)(C)(ii), (a)(5). Having carefully reviewed the initial brief and record, and noting that appellant did not avail herself of the opportunity to file an amended brief, we affirm on the authority of Florida Rule of Appellate Procedure 9.315(a). See Fla. R. App. P. 9.315(a) (“After service of the initial brief[,]... the court may summarily affirm the order to be reviewed if the court finds that no preliminary basis for reversal has been demonstrated.”); *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.

The trial court should have been affirmed because the record brought forward by the appellant is inadequate to demonstrate reversible error.”). Affirmed. 2