

FLORIDA THIRD DISTRICT COURT OF APPEAL

Ricardo R. Corona v. In Re: Orlando Silva

No. 3D24-1985 (Fla. 3d DCA Sept. 10, 2025) · No. No. 3D24-1985 · Decided September 10, 2025

SUMMARY

The Florida Third District Court of Appeal affirmed the denial of Ricardo R. Corona and Corona Law Firm, P.A.’s motion to intervene in guardianship proceedings involving Orlando Silva. The court held that the guardianship court did not abuse its discretion and that Florida Rule of Civil Procedure 1.230 was not applicable because the proceeding had not been declared an adversary proceeding under the Florida Probate Rules.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	SCALES, C.J.; EMAS, J.; LINDSEY, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	September 10, 2025
DOCKET	No. 3D24-1985
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a final order of the guardianship court summarily denying appellants' motion to intervene in guardianship proceedings.
STANDARD OF REVIEW	Abuse of discretion
PRECEDENTIAL VALUE	Published opinion
PARTIES	Ricardo R. Corona, Corona Law Firm, P.A. v. In Re: Orlando Silva, Orlando Silva's guardian

TOPICS

- guardianships
- intervention
- probate procedure
- appellate procedure
- standard of review

PRACTICE AREAS

- guardianship
- probate
- civil procedure
- appellate procedure

QUESTIONS PRESENTED

1. Whether the guardianship court abused its discretion by denying Corona's motion to intervene to seek reconsideration of the ward's competency to testify.
2. Whether Florida Rule of Civil Procedure 1.230 was applicable to the guardianship proceeding absent a determination that the proceeding was an adversary probate proceeding under the Florida Probate Rules.

HOLDINGS

1. The guardianship court did not abuse its discretion in denying Corona's motion to intervene because the guardianship court has primary responsibility and broad latitude to protect the ward and was better positioned than the separate defamation court to determine the ward's competency to testify.
2. Florida Rule of Civil Procedure 1.230 was not applicable because Corona did not have the guardianship proceeding declared an adversary proceeding as contemplated by Florida Probate Rule 5.025(b); therefore, the intervention motion was not cognizable under that rule.

KEY QUOTATIONS

"In guardianship proceedings, the overwhelming public policy is the protection of the ward." (at 2)

FACTUAL BACKGROUND

Dr. Orlando Silva was the ward in guardianship proceedings. Ricardo R. Corona and Corona Law Firm, P.A. sought to intervene so the guardianship court would revisit its earlier determination that Silva was incompetent to testify, which would have enabled Corona to depose Silva in a separate defamation action brought by Silva's guardian. The guardianship court denied intervention, and the appellate court concluded that the guardianship court retained primary responsibility for protecting the ward and was better positioned to determine the ward's competency as a witness.

PROCEDURAL HISTORY

Appellants moved under Florida Rule of Civil Procedure 1.230 to intervene in the guardianship proceedings to seek reconsideration of an order declaring the ward incompetent to testify. The guardianship court denied the motion on October 31, 2024, and appellants timely appealed. The Third District Court of Appeal affirmed.

DISPOSITION

affirmed

CASES CITED

- Merrick Park, LLC v. Garcia, 299 So. 3d 1096, 1103 (Fla. 3d DCA 2019)
- William F. Hayes, Jr., et al. v. Guardianship of Mae E. Thompson, etc., Hayes v. Guardianship of Thompson, 952 So. 2d 498, 505 (Fla. 2006)
- Patricia Ash v. In re: Guardianship of Aaron Ash, Ash v. Ash, 332 So. 3d 563, 569 (Fla. 3d DCA 2021)
- Estate of Arroyo v. Infinity Indem. Ins. Co., 211 So. 3d 240, 244 (Fla. 3d DCA 2017)

OPINION

Ricardo R. Corona v. in Re: Orlando Silva

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed September 10, 2025. Not final until disposition of timely filed motion for rehearing. _____ No. 3D24-1985 Lower Tribunal No. 23-202-GD-02 _____ Ricardo R. Corona, et al., Appellants, vs. In Re: Orlando Silva, et al., Appellees. An Appeal from the Circuit Court for Miami-Dade County, Jose L. Fernandez, Judge. Corona Law Firm, P.A., and Ricardo Corona, Ricardo M. Corona and Nina Tarafa, for appellants. Silva & Silva, P.A., and Paul Jon Layne, for appellees. Before SCALES, C.J., and EMAS, and LINDSEY, JJ. SCALES, C.J. Appellants Richard R. Corona and Corona Law Firm, P.A. (together “Corona”) moved, under Florida Rule of Civil Procedure 1.230, to intervene in the guardianship proceedings of Dr. Orlando Silva (the “Ward”). Corona’s objective was to have the guardianship court revisit an earlier order declaring the Ward incompetent to testify as a witness. Such a ruling, according to Corona, would allow Corona to depose the Ward in a separate defamation action pending in the circuit court’s civil division, brought against Corona by the Ward’s guardian. On October 31, 2024, the guardianship court summarily denied Corona’s intervention motion, and Corona timely appealed this final order. We review a final order denying a motion to intervene for abuse of discretion. *Merrick Park, LLC v. Garcia*, 299 So. 3d 1096, 1103 (Fla. 3d DCA 2019). Corona sought to have the guardianship court cede to the trial court in the defamation case the guardianship court’s authority over the Ward’s welfare, specifically the issue of whether the Ward had capacity to be a witness in a legal proceeding. The guardianship court, however, has the primary responsibility and wide latitude to protect a ward. See *Hayes v. Guardianship of Thompson*, 952 So. 2d 498, 505 (Fla. 2006) (“In guardianship proceedings, the overwhelming public policy is the protection of the ward.”); *Ash v. Ash*, 332 So. 3d 563, 569 (Fla. 3d DCA 2021). The 2 guardianship court is in a better position than the defamation court to determine whether the Ward is competent to testify as a witness. Under the facts and circumstances presented in this case, we discern no abuse of discretion in the guardianship court’s denial of Corona’s intervention motion. Furthermore, Corona sought to intervene in the guardianship proceeding under Florida Rule of Civil Procedure 1.230. Florida’s civil procedure rules, though, apply to guardianship proceedings only as expressly provided in the Florida Probate Rules. Fla. Prob. R. 5.010 (“The Florida Rules of Civil Procedure apply only as provided herein.”) (emphasis added). The only Florida Probate Rule potentially incorporating rule 1.230 is rule 5.025(d)(2), which states that the rules of civil procedure apply in an adversary probate proceeding. See *Estate of Arroyo v. Infinity Indem. Ins. Co.*, 211 So. 3d 240, 244 (Fla. 3d DCA 2017). Hence, for the Florida Rules of Civil Procedure to have applied to the guardianship proceeding – such that Corona’s intervention motion would have been cognizable by the guardianship court – it was incumbent upon Corona to have the guardianship proceeding declared

as an “adversary” proceeding, as contemplated in rule 5.025(b). Because Corona did not do this, the trial court did not err in denying Corona’s intervention motion. Affirmed. 3

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