

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CASE NO: 2021-017156-CA-01

SECTION: CA11

JUDGE: Carlos Lopez

RAFAEL PINA-NIEVES

Plaintiff(s)

vs.

WILLIAM OMAR LANDRON

Defendant(s)

**ORDER GRANTING DEFENDANT LANDRON'S MOTION TO DISMISS THE
PLAINTIFF'S SECOND AMENDED COMPLAINT AND FINAL ORDER OF
DISMISSAL**

THIS CAUSE, having come on to be heard on January 19, 2022, upon the Defendant WILLIAM OMAR LANDRON's ["LANDRON"] Motion to Dismiss the Plaintiff RAFAEL PINA-NIEVES' ["PINA-NIEVES"] Second Amended Complaint, and the Court having heard argument of counsel, and the Court having reviewed all pertinent pleadings and exhibits, and the Court being otherwise duly advised in the premises, it is

ORDERED AND ADJUDGED:

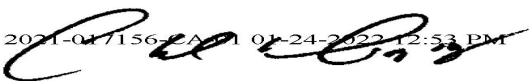
1. This Court is governed by, and it, therefore, relies upon, the precedent in Blue Supply Corp. v. Novos Electro Mech., Inc., 990 So. 2d 1157, 1159 (Fla. 3d DCA 2008)(citing Hunt Ridge at Tall Pines, Inc. v. Hall, 766 So.2d 399, 401 (Fla. 2d DCA 2000)(where the exhibits affirmatively show that the allegations in a complaint are contradicted by exhibits attached to the complaint, the plain meaning of the exhibits control and the allegations are rendered a nullity), Someplace New, Inc. v. Francois, 51 So. 3d 1215, 1217 (Fla. 4th DCA 2011), and Am. Seafood, Inc. v. Clawson, 598 So.2d 273, 274 (Fla. 3d DCA 1992).

2. The Court further relies upon the precedent in Readon v. WPLG, LLC., 317 So. 3d 1229, 1233 (Fla. 3d DCA 2021), review denied, No. SC21-893, 2021 WL 3523557 (Fla. Aug. 11, 2021), and Luna Lam v. Univision [No. 3D19-2204] October 13, 2021 (under the “substantial truth” doctrine applicable to defamation cases, a statement does not have to be perfectly accurate if the gist or the sting of the statement is true).
3. Accordingly, the Defendant LANDRON’s Motion to Dismiss the Plaintiff PINA-NIEVES’ Second Amended Complaint is hereby GRANTED WITH PREJUDICE as the Court finds that any subsequent amendment would be futile.

IT IS FURTHER ORDERED AND ADJUDGED:

That the Plaintiff PINA-NIEVES shall taking nothing by this action and that the Defendant LANDRON shall go hence without day, and the Court hereby enters this Final Order of Dismissal. Additionally, the Court reserves jurisdiction over the parties and this matter to award attorney’s fees and costs to the Defendant LANDRON as the prevailing party in this action, upon proper motion and notice, and to enter all such other post-judgment Orders as may be necessary.

DONE and ORDERED in Chambers at Miami-Dade County, Florida on this 24th day of January, 2022.



2021-017156-CA-01 01-24-2022 12:53 PM

Hon. Carlos Lopez

CIRCUIT COURT JUDGE

Electronically Signed

Final Order as to All Parties SRS #: 12 (Other)

THE COURT DISMISSES THIS CASE AGAINST ANY PARTY NOT LISTED IN THIS FINAL ORDER OR PREVIOUS ORDER(S). THIS CASE IS CLOSED AS TO ALL PARTIES.

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