

# Third District Court of Appeal

State of Florida

Opinion filed February 16, 2022.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D21-1295  
Lower Tribunal No. 18-28145

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**Bassem Essam El Mallakh,**  
Appellant,

vs.

**Belgium Investments 960 Bay Dr,**  
Appellee.

An appeal from a non-final order from the Circuit Court for Miami-Dade County, William Thomas, Judge.

Frank Law Firm, P.A., and Cody L. Frank (Fort Lauderdale); South Florida Law, PLLC, and Frank DelloRusso (Hallandale Beach), for appellant.

Bernhard Law Firm, PLLC, and Andrew J. Bernhard, for appellee.

Before EMAS, LOGUE, and MILLER, JJ.

PER CURIAM.

Appellant, Bassem Essam El Mallakh, challenges an order denying his verified motion to vacate a default final judgment rendered in favor of appellee, Belgium Investments 960 Bay Drive. The trial court conducted an extensive evidentiary hearing, resolved all disputed factual issues, and articulated legal conclusions in a carefully reasoned, fourteen-page opinion. Adhering to the presumptions codified in the Supreme Court's seminal decision, Koster v. Sullivan, 160 So. 3d 385 (Fla. 2015), the principles advanced in Lazcar International, Inc. v. Caraballo, 957 So. 2d 1191 (Fla. 3d DCA 2007), and the adage that we must decline to "substitute [our] judgment for that of the trial court on questions of fact, likewise of the credibility of the witnesses as well as the weight to be given to the evidence by the trial court," Goldfarb v. Robertson, 82 So. 2d 504, 506 (Fla. 1955), as this "is not the function of the appellate court," Shaw v. Shaw, 334 So. 2d 13, 16 (Fla. 1976), we affirm the order under review in all respects.

Affirmed.