

Third District Court of Appeal

State of Florida, July Term, A.D. 2010

Opinion filed November 24, 2010.
Not final until disposition of timely filed motion for rehearing.

Nos. 3D09-3390 & 09-2564
Lower Tribunal No. 07-7855

Mary L. Quintero,
Appellant,

vs.

Jon E. Kenyon,
Appellee.

Appeals from the Circuit Court for Miami-Dade County, Mindy S. Glazer,
Judge.

Schweitzer & Schweitzer-Ramras, Darlene Schweitzer-Ramras, and Daniel
Kent, for appellant.

Steven N. Abramowitz, for appellee.

Before GERSTEN, WELLS, and SHEPHERD, JJ.

PER CURIAM.

Mary L. Quintero appeals from a final judgment of paternity and an order on
timesharing entered after the trial court denied her motion to continue a non-jury
trial. We reverse.

A trial court has discretion in ruling on a motion for continuance. Bryan v. Bryan, 824 So. 2d 920, 923 (Fla. 3d DCA 2002). However, the trial court should consider several factors, including whether: (1) a denial would create an injustice to the moving party; (2) unforeseeable circumstances, rather than dilatory practices, caused the need for continuance; and (3) the opposing party would suffer prejudice. 824 So. 2d at 923.

Here, Quintero became unemployed and was unable to pay for her attorney's services. As a result, Quintero's counsel withdrew from the case on the eve of the scheduled trial. The record does not show that prejudice would have resulted from granting the continuance. Thus, the trial court abused its discretion in denying Quintero's request.

Accordingly, we reverse and remand for a new trial.

Reversed.