

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

APPELLATE DIVISION (CIVIL): AY
CASE NO: 502015AP000070XXXXMB
L.T. NO: 502013SC002195XXXXMB

LISA DOWD,

Appellant,

v.

ALL AMERICAN ASPHALT, LLC,
a Florida limited liability company, and
GEORGE STEVENS,

Appellee.

_____/

Opinion filed: **OCT 25 2016**

Appeal from the County Court in and for Palm Beach County,
Judge Frank Castor.

For Appellant: Brett A. Elam Esq.,
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For Appellee: Jeffrey L. Peters, Esq.,
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PER CURIAM.

AFFIRMED. Appellant, Lisa Dowd, alleges that the trial court erred in denying her

Emergency Motion to Continue Trial Hearing Set for October 15, 2014, because the court failed to respond to her request for Americans with Disabilities Act (“ADA”) accommodations or to provide her with reasonable accommodations. There is no transcript of the October 15, 2014 hearing where the trial court denied the motion. Without a transcript of the hearing, we are unable to review what evidence or arguments were presented by the parties. Therefore, we cannot conclude that the trial court erred by denying the motion. *See Applegate v. Barnett Bank of Tallahassee*, 377 So. 2d 1150 (Fla. 1979). Under these circumstances, this Court in its appellate capacity must assume the trial court correctly decided the issues. *Crusaw v. Crusaw*, 637 So. 2d 949, 949 (Fla. 1st DCA 1994). Accordingly, we are constrained by the lack of an adequate record, and must affirm the final judgment. *See Applegate*, 377 So. 2d 1150. CARACUZZO, COLIN, and BLANC, JJ. concur.

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APPELLATE DIVISION (CIVIL): AY
CASE NO: 502015AP000070XXXXMB
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LISA DOWD,
individually,

Appellant,

v.

Appeal from County Court in and for Palm Beach
County, Florida;
Judge Frank Castor

ALL AMERICAN ASPHALT, LLC,
a Florida limited liability company, and
GEORGE STEVENS, individually,

Appellee.

Appealed: September 29, 2015

DATE OF PANEL: October 17, 2016

PANEL JUDGES: CARACUZZO, COLIN, BLANC

AFFIRMED/REVERSED/OTHER: AFFIRMED

PER CURIAM OPINION/DECISION BY: PER CURIAM

DATE CONCURRING:	)	DISSENTING:	)	CONCURRING SPECIALLY:)
	)	With Opinion	)	With/Without Opinion)
<u>Cheryl Carango</u>)))
J. )	)	J. )	)	J.))
<u>Barbara</u>)))
10/24/16 )	)	J. )	)	J.))
J.))))
<u>W. H.</u>)))
10/25/16 )	)	J. )	)	J.))
J.))))