

FIFTH DISTRICT COURT OF APPEAL OF FLORIDA

Darron Sanders v. Bobby J. Sanders, Jr., Individually and on Behalf of Mid-Florida Golf Carts

Sanders v. Sanders · No. 5D2024-1534 · Decided May 9, 2025

SUMMARY

The Fifth District Court of Appeal of Florida reversed a temporary injunction that restricted Darron Sanders’s involvement in Mid-Florida Golf Carts and granted Bobby J. Sanders, Jr. exclusive control during a contemplated stock sale. The court held that the movant failed to present competent substantial evidence establishing a substantial likelihood of success on the merits and failed to present evidence that the injunction served the public interest.

CASE DETAILS

COURT	Fifth District Court of Appeal of Florida
WRITING FOR THE COURT	Lambert, J.; Harris, J.; Soud, J.
JURISDICTION	Florida Fifth District Court of Appeal
DECIDED	May 9, 2025
DOCKET	5D2024-1534
DISPOSITION	reversed
PROCEDURAL POSTURE	Nonfinal appeal from an order granting a temporary injunction in a shareholder and corporate-management dispute.
STANDARD OF REVIEW	The opinion does not expressly identify a separate standard of review; it reviews the temporary-injunction order for compliance with the movant's evidentiary burden.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Darron Sanders v. Bobby J. Sanders, Jr., individually, Mid-Florida Golf Carts

TOPICS

- injunctions
- corporate law
- commercial litigation
- appellate jurisdiction
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court erred in granting a temporary injunction when Bobby failed to present competent substantial evidence of a substantial likelihood of success on the merits.
2. Whether the temporary injunction could stand when Bobby presented no evidence that granting it would serve the public interest.
3. Whether a later clarification order rendered the appeal moot.

HOLDINGS

1. A party seeking a temporary injunction must establish by competent substantial evidence all four elements: likelihood of irreparable harm, lack of an adequate remedy at law, substantial likelihood of success on the merits, and consideration of the public interest. Failure to establish any one element requires denial of the injunction.
2. The temporary injunction was improper because Bobby failed to present competent substantial evidence establishing a substantial likelihood of success on the merits and presented no evidence that the injunction would serve the public interest.
3. The appeal was not moot notwithstanding the later clarification order entered by the trial court.

KEY QUOTATIONS

“A temporary injunction is an extraordinary remedy that should be granted sparingly and only after the moving party has alleged and proven facts which entitle him to relief.” (at 3)

“Inasmuch as Appellee failed to meet his evidentiary burden of showing a substantial likelihood of success on the merits or consideration of the public interest, his motion for temporary injunction should have been denied.” (at 4)

FACTUAL BACKGROUND

Darron and Bobby Sanders each owned 50 percent of Mid-Florida Golf Carts and together comprised the company's entire board of directors. Bobby alleged that Darron's management was wasteful and neglectful, had caused the business to decline, and had effectively forced Bobby out of the company and denied him access. Bobby sought a temporary injunction barring Darron from operating the company, while Darron sought, among other relief, dissolution of the company and damages.

PROCEDURAL HISTORY

Bobby J. Sanders, Jr. filed a four-count complaint against Darron Sanders individually and on behalf of Mid-Florida Golf Carts, seeking, among other relief, removal of Darron from the board, restrictions on his involvement in the company, and protection of Bobby's interests. Darron answered and filed a counterclaim, including a request to dissolve the company. After an evidentiary hearing, the circuit court entered a temporary injunction granting Bobby access to corporate premises and records, exclusive management control, and

restrictions on Darron's corporate activities. Darron appealed the nonfinal order, and the Fifth District Court of Appeal reversed.

DISPOSITION

reversed

CASES CITED

- Freeman as Tr. of Fiddlesticks Land Tr. U/A/D Sept. 25, 1984 v. Berrin, 352 So. 3d 452, 457-58 (Fla. 2d DCA 2022)
- Duryea v. Slater, 677 So. 2d 79, 81 (Fla. 2d DCA 1996)
- Housman v. Housman, 370 So. 3d 1006, 1009 (Fla. 5th DCA 2023)
- Dickerson v. Senior Home Care, Inc., 181 So. 3d 1228, 1229 (Fla. 5th DCA 2015)
- SunTrust Banks, Inc. v. Cauthon & McGuigan, PLC, 78 So. 3d 709, 711 (Fla. 1st DCA 2012)
- St. Johns Inv. Mgmt. Co. v. Albaneze, 22 So. 3d 728, 731 (Fla. 1st DCA 2009)
- Genchi v. Lower Keys Hosp. Dist., 45 So. 3d 915, 919 (Fla. 3d DCA 2010)
- State, Dep't of Health v. Bayfront HMA Med. Ctr., LLC, 236 So. 3d 466, 472 (Fla. 1st DCA 2018)

OPINION

PER CURIAM.

FIFTH DISTRICT COURT OF APPEAL STATE OF FLORIDA
_____ Case No. 5D2024-1534 LT Case No. 2022-11629-CIDL
_____ DARRON SANDERS, Appellant, v. BOBBY J. SANDERS,
JR., Individually and on behalf of MID-FLORIDA GOLF CARTS, Appellees.
_____ Nonfinal appeal from the Circuit Court for Volusia County.

Rose Marie Karadsheh Preddy, Judge. Martin Pedata, of Law Office of Martin Pedata, DeLand, and Alfredo R. Zamora, of Losey PLLC, Orlando, for Appellant. Albert E. Ford, II, of Ford Law, PLLC, DeBary, for Appellees. May 9, 2025 PER CURIAM. Appellant, Darron Sanders, appeals the trial court’s nonfinal order granting the motion for temporary injunction filed by Appellee, Bobby Sanders, Jr., individually, and on behalf of Mid- Florida Golf Carts (“Golf Carts”).

The order enjoined Appellant from engaging in various activities described below related to Appellant’s involvement with the operation of Golf Carts. We have jurisdiction under Florida Rule of Appellate Procedure 9.130(a)(3)(B), and we reverse the order.

I. Appellant and Appellee are brothers who each own 50% of the shares in Golf Carts. The two also constitute Golf Carts’s entire board of directors, with each having an equal voting interest in the company. Appellee believed that Appellant had managed the company in a fashion that effectively forced Appellee to leave the company and otherwise barred him access to it.

Resultingly, Appellee filed a four-count complaint against Appellant, both individually and on behalf of Golf Carts. The complaint sought, among other things, (1) to remove Appellant from Golf Carts's board of directors, (2) to enjoin Appellant from being involved in the operation of Golf Carts, and (3) to enjoin Appellant from taking further actions that were adverse to Appellee's interest in the company.

Appellant filed an answer to the complaint as well as a counterclaim against Appellee. Appellant sought to remove Appellee from Golf Carts's board of directors and damages from Appellee under various causes of action. Included within Appellant's counterclaim was an action by him to dissolve Golf Carts, to which Appellee responded with notice that he intended to purchase Appellant's ownership interest in Golf Carts.

Appellee also moved for the appointment of a neutral evaluator to assess the value of the company.

II. Appellee subsequently moved for a temporary injunction. He alleged that Appellant's management of Golf Carts had been wasteful and neglectful, causing the business to trend downwards over the last several years. Appellee sought to temporarily enjoin Appellant from any involvement with the operation of the company.

Following an evidentiary hearing, the trial court's order now on review granted Appellee's motion as follows: 2 B. [Appellee] has the right to the reasonable and peaceful use and occupancy of [Golf Carts's] corporate offices and premises in Longwood, Florida, with full access to [Golf Carts's] records, systems, accounts, customers, and employees. C. [Appellant] is enjoined and shall not exercise any powers as a Director of the Board of Directors of [Golf Carts] nor as President of [Golf Carts] during the pendency of the sale of [Appellant's] shares in [Golf Carts] to [Appellee] except as requested in writing from [Appellee] as necessary to preserve the value of [Golf Carts], going concern and to effectuate said sale.

D. [Appellant], is enjoined from interfering with [Appellee's] exclusive control of the management of [Golf Carts] during the pendency of the stock sale/purchase. E. [Appellant] is enjoined from keeping and/or hiding corporate assets, including the more than \$2 Million in [Golf Carts] cash that [Appellant] transferred out of [Golf Carts's] Trust accounts. F. [Appellant] is enjoined from renewing the contracts of any employees or officers of [Golf Carts] without the express written consent of [Appellee], G. [Appellant] is enjoined from divesting [Golf Carts] of its assets and from making any transactions on behalf of [Golf Carts] without [Appellee's] express written authorization.

This appeal followed. III. We begin our analysis with the cautionary recognition that "[a] temporary injunction is an extraordinary remedy that should be granted sparingly and only after the moving party has alleged and proven facts which entitle him to relief." *Freeman as Tr. of Fiddlesticks Land Tr. U/A/D Sept. 25, 1984 v. Berrin*, 352 So. 3d 452, 457–58 (Fla.

2d DCA 2022) (quoting *Duryea v. Slater*, 677 So. 2d 79, 81 (Fla. 2d DCA 1996)). 3 To that end, for the moving party to obtain the extraordinary remedy of a temporary injunction, the party must prove: (1) the likelihood of irreparable harm if the injunction is not granted; (2) the lack of an adequate remedy at law; (3) a substantial likelihood of success on the merits of the suit; and (4) consideration of the public interest.

Housman v. Housman, 370 So. 3d 1006, 1009 (Fla. 5th DCA 2023) (quoting *Dickerson v. Senior Home Care, Inc.*, 181 So. 3d 1228, 1229 (Fla. 5th DCA 2015)). Each of these four elements must be established by the movant with competent substantial evidence. *SunTrust Banks, Inc. v. Cauthon & McGuigan, PLC*, 78 So. 3d 709, 711 (Fla. 1st DCA 2012) (citing *St. Johns Inv.*

Mgmt. Co. v. Albanese, 22 So. 3d 728, 731 (Fla. 1st DCA 2009)). Significantly, unless all four elements are established, a temporary injunction should not be entered. See *Genchi v. Lower Keys Hosp. Dist.*, 45 So. 3d 915, 919 (Fla. 3d DCA 2010) (“If the party seeking the temporary injunction fails to establish any of these requirements, the party’s motion for temporary injunction must be denied.”).

IV. While Appellant raises many arguments here for reversal, we find one argument to be dispositive and decline to consider the others. Appellant asserts that Appellee did not present competent substantial evidence at the temporary injunction hearing to establish the third prong or element that he had a substantial likelihood of success on the merits of the claim, see *State, Dep’t of Health v. Bayfront HMA Med.*

Ctr., LLC, 236 So. 3d 466, 472 (Fla. 1st DCA 2018) (holding that “[a] substantial likelihood of success on the merits is shown if good reasons for anticipating that result are demonstrated” and noting that it is “not enough that a merely colorable claim is advanced”), and failed to present any evidence whatsoever that the issuance of a temporary injunction would serve consideration of the public interest.

We agree with Appellant. 1 1 We also note that Appellee has not responded to the merits of Appellant’s argument other than to contend that the issue is now moot by virtue of a later “clarification” order entered by the 4 Inasmuch as Appellee failed to meet his evidentiary burden of showing a substantial likelihood of success on the merits or consideration of the public interest, his motion for temporary injunction should have been denied.

See *Genchi*, 45 So. 3d at 919. The temporary injunction is therefore REVERSED. LAMBERT, HARRIS, and SOUD, JJ., concur. _____ Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331. _____ trial court.

We conclude, without elaboration, that the matter is not moot. 5

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