

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
FLORIDA, FORT MYERS DIVISION

Skye Energy Ventures LLC v. Richard J. Hollander and Southern
Logistics Financial, Inc.

Skye Energy Ventures · No. 2:25-cv-274-SPC-DNF · Decided January 13, 2026

SUMMARY

The United States District Court for the Middle District of Florida granted Defendants Richard J. Hollander and Southern Logistics Financial, Inc.’s motion for entitlement to attorney’s fees. The court held that Plaintiff’s Florida RICO claim was raised without substantial factual or legal support after repeated unsuccessful attempts to plead an enterprise and was dismissed with prejudice. Defendants were awarded reasonable fees and costs incurred defending the Florida RICO claim, with the amount to be determined by agreement or supplemental motion.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Fort Myers Division
JURISDICTION	United States District Court for the Middle District of Florida, Fort Myers Division
DECIDED	January 13, 2026
DOCKET	2:25-cv-274-SPC-DNF
DISPOSITION	other
PROCEDURAL POSTURE	After dismissing Plaintiff's Florida RICO claim with prejudice, the court considered Defendants' motion for entitlement to attorney's fees and costs under Florida Statutes section 772.104.
STANDARD OF REVIEW	The court applied the statutory entitlement standard under Florida Statutes section 772.104, requiring a finding that the claimant raised a Florida RICO claim without substantial fact or legal support.
PRECEDENTIAL VALUE	unpublished

TOPICS

- attorney fees
- costs
- commercial litigation
- statutory interpretation
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Defendants were entitled to reasonable attorney's fees and court costs under Florida Statutes section 772.104 after Plaintiff's Florida RICO claim was dismissed with prejudice.
2. Whether the court should defer deciding fee entitlement until the entire case, including related state-law claims, was resolved.

HOLDINGS

1. Defendants were entitled to recover their reasonable attorney's fees and court costs incurred defending Plaintiff's Florida RICO claim because the claim was without substantial fact or legal support.
2. The court was not required to defer determining entitlement to fees until resolution of other claims because Plaintiff's Florida RICO claim had already been dismissed with prejudice, the Rule 59(e) motion had been denied, and the time to appeal had expired.

KEY QUOTATIONS

"Plaintiff seemingly was using RICO "to transition ordinary business disputes into [] RICO actions," which is improper." (Doc. 36 at 6)

"The fact Plaintiff seeks to allege an entirely new enterprise for the third time demonstrates Plaintiff did not have a RICO claim to begin with; rather, it was trying to craft one as it went along hoping something would stick." (Doc. 45 at 6 n.5)

FACTUAL BACKGROUND

Plaintiff repeatedly attempted to allege a viable Florida RICO claim, proposing an entirely different enterprise with each attempt. The court found that none of the proposed enterprises supported a claim and dismissed the Florida RICO claim with prejudice. Plaintiff also sought relief under Rule 59(e), asserting that newly discovered evidence might support another enterprise theory, but the court denied that motion.

PROCEDURAL HISTORY

Plaintiff repeatedly attempted to state Florida and federal RICO claims by alleging different enterprises. The court dismissed the Florida RICO claim with prejudice and dismissed the federal RICO claim with prejudice; it declined supplemental jurisdiction over Plaintiff's remaining state-law tort claims and dismissed those claims without prejudice. Plaintiff's Rule 59(e) motion seeking another opportunity to amend was denied. Defendants then moved for entitlement to attorney's fees and costs incurred defending the Florida RICO claim, and the court granted that motion while reserving the amount of fees and costs for later determination.

DISPOSITION

other

CASES CITED

- Smith v. Viragen, Inc., 902 So. 2d 187, 191 (Fla. Dist. Ct. App. 2005)
- Royal Palm Village Residents, Inc. v. Slider, No. 8:19-CV-874-CEH-SPF, 2021 WL 4452898, at *5 (M.D. Fla. Sept. 29, 2021), *aff'd sub nom.*, 57 F.4th 960 (11th Cir. 2023)
- Johnson Enters. of Jacksonville, Inc. v. FPL Grp., Inc., 162 F.3d 1290, 1330-31 (11th Cir. 1998)
- Bahrakis v. Zimmerman, No. 8:19-CV-2948T24SPF, 2020 WL 4734929, at *2 (M.D. Fla. Aug. 14, 2020)
- Coffey v. Evans Props., Inc., 585 So. 2d 960, 961 (Fla. Dist. Ct. App. 1991)
- Durden v. Citicorp Tr. Bank, FSB, 763 F. Supp. 2d 1299, 1306 (M.D. Fla. 2011)

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