

FLORIDA THIRD DISTRICT COURT OF APPEAL

United States Association of CDC, Inc. v. WC WH, LLC

No. 3D24-1329 (Fla. 3d DCA Jan. 7, 2026) · No. 3D24-1329 · Decided January 7, 2026

SUMMARY

The Florida Third District Court of Appeal affirmed a dismissal with prejudice imposed as a sanction. The court cited the Kozel factors and related precedent concerning willful disregard of court orders, express findings, and the need for an evidentiary hearing.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	Fernandez, J.; Logue, J.; Bokor, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	January 7, 2026
DOCKET	3D24-1329
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order of the Circuit Court for Miami-Dade County dismissing the action with prejudice as a sanction for disregard of court orders.
STANDARD OF REVIEW	Dismissal with prejudice as a sanction is evaluated under the Kozel factors, including whether the party's conduct was willful or constituted deliberate disregard of court orders; an evidentiary hearing is generally required for express findings concerning the factors.
PRECEDENTIAL VALUE	published
PARTIES	United States Association of CDC, Inc., et al. v. WC WH, LLC, et al., Paul J. Lane

TOPICS

- sanctions
- appellate procedure
- civil procedure
- commercial litigation

PRACTICE AREAS

- civil procedure
- appellate procedure
- sanctions
- commercial litigation

QUESTIONS PRESENTED

1. Whether the trial court properly dismissed the action with prejudice as a sanction for willful or deliberate disregard of court orders.

HOLDINGS

1. The trial court's dismissal with prejudice was affirmed.

KEY QUOTATIONS

“While no ‘magic words’ are required, the trial court must make a finding that the conduct upon which the order is based was equivalent to willfulness or deliberate disregard.” (at 2)

“include[s] in its written order findings of fact with respect to each Kozel factor, and also individualized findings with regards to the conduct of those individuals the lower court intends to sanction” (at 2)

FACTUAL BACKGROUND

The opinion provides no substantive factual narrative. It indicates that the trial court dismissed the action with prejudice as a sanction based on disregard of court orders and that the appellate court evaluated the sanction under the Kozel framework.

PROCEDURAL HISTORY

The appellants appealed from the Miami-Dade County Circuit Court's order. The Third District Court of Appeal affirmed per curiam, citing the standards governing dismissal with prejudice as a sanction for willful disregard of court orders.

DISPOSITION

affirmed

CASES CITED

- Carolann D. Kozel v. D. Steven Ostendorf, D.P.M., Kozel v. Ostendorf, 629 So. 2d 817, 818 (Fla. 1993)
- Ham v. Dunmire, 891 So. 2d 492, 496 (Fla. 2004)
- Deutsche Bank Nat’l Tr. Co. v. Sombrero Beach Rd., LLC, 260 So. 3d 424, 428–29 (Fla. 3d DCA 2018)

OPINION

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed January 7, 2026. Not final until disposition of timely filed motion for rehearing. _____ No. 3D24-1329 Lower Tribunal No. 16-20808-CA-01 _____ United States Association of CDC, Inc., et al., Appellants, vs. WC WH, LLC, et al., Appellees. An Appeal from the Circuit Court for Miami-Dade County, David Craig Miller, Judge.

Reiner & Reiner, P.A., and David P. Reiner II, for appellants. Perez Mayoral, P.A., and Julie K. Talbot Mayoral and Michael Mayoral, for appellee WC WH, LLC; Paul J. Lane, P.A., and Paul J. Lane (Port St. Lucie) for appellee Paul J. Lane.

Before FERNANDEZ, LOGUE and BOKOR, JJ. PER CURIAM. Affirmed. See *Kozel v. Ostendorf*, 629 So. 2d 817, 818 (Fla. 1993) (describing factors to be considered in evaluating whether dismissal with prejudice is warranted as a sanction for willful disregard of court orders); *Ham v. Dunmire*, 891 So. 2d 492, 496 (Fla. 2004) (“While no ‘magic words’ are required, the trial court must make a finding that the conduct upon which the order is based was equivalent to willfulness or deliberate disregard.” (quotation omitted)); *Deutsche Bank Nat’l Tr.*

Co. v. Sombrero Beach Rd., LLC, 260 So. 3d 424, 428–29 (Fla. 3d DCA 2018) (noting that evidentiary hearing is “generally” required in order for trial court to make express findings of fact concerning all *Kozel* factors, but that order finding dismissal appropriate under *Kozel* will be upheld where trial court “include[s] in its written order findings of fact with respect to each *Kozel* factor, and also individualized findings with regards to the conduct of those individuals the lower court intends to sanction”).