

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

OPINION

United States Association of CDC, Inc. v. WCWH, LLC

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”). 2