

DISTRICT COURT OF APPEAL OF FLORIDA, SECOND DISTRICT

Elnenaey v. Elkadi

Elnenaey · No. No. 2D2025-1247 · Decided May 13, 2026

SUMMARY

The Florida Second District Court of Appeal dismissed Ahmed Elnenaey's appeal from a final domestic-violence injunction because his motion to vacate did not toll the time for appealing the judgment. The court affirmed the denial of his motion to vacate because he did not support it with an affidavit or other sworn statement establishing excusable neglect.

OPINION

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PER CURIAM.

DISTRICT COURT OF APPEAL OF FLORIDA

SECOND DISTRICT

AHMED ELNENAEY,

Appellant, v.

LAILA ELKADI,

Appellee. No. 2D2025-1247 May 13, 2026 Appeal from the Circuit Court for Hillsborough County; Frances M. Perrone, Judge. Ahmed Elnenaey, pro se. Laila Elkadi, pro se. ROTHSTEIN-YOUAKIM, Judge. Ahmed Elnenaey appeals a final judgment of injunction for protection against domestic violence entered against him as well as the trial court's denial of his motion to vacate that judgment. We dismiss for lack of jurisdiction his appeal of the judgment because his motion to vacate did not toll rendition of the judgment. See Fla. Fam. L. R. P. 12.540(b) ("A motion under this subdivision does not affect the finality of a judgment or suspend its operation."); see also *Hatton v. Barnett Bank of Palm Beach Cnty.*, 550 So. 2d 65, 66 (Fla. 2d DCA 1989) (noting that motions filed under counterpart Florida Rule of Civil Procedure 1.540 "do not suspend rendition of the final judgment (and therefore do not toll the time for filing an appeal)"). Although we have jurisdiction to review the trial court's denial of Elnenaey's motion to vacate, see Fla. R. App. P. 9.130(a)(5), we affirm because Elnenaey did not support his motion with an affidavit or other sworn statement, see *Geer v. Jacobsen*, 880 So. 2d 717, 720 (Fla. 2d DCA 2004) ("Excusable neglect must be proven by sworn statements or affidavits. Unsworn assertions of excusable neglect are insufficient." (quoting *DiSarrio v. Mills*, 711 So. 2d 1355, 1356 (Fla. 2d DCA 1998))). Dismissed in part; affirmed in part. KELLY and SMITH, JJ., Concur. Opinion subject to revision prior to official publication. 2

