

SIXTH DISTRICT COURT OF APPEAL OF FLORIDA

**MTW Jordan Inc., Jordan Ave. Management, Inc., Markee White,
and Tanya White v. TNT Educators, Inc. d/b/a Apple Academy,
Tanya Baskerville, and Waltrell Lee**

MTW Jordan Inc. v. TNT Educators, Inc. · No. 6D2023-3775 · Decided April 4, 2025

SUMMARY

The Sixth District Court of Appeal of Florida affirmed the denial of the appellants' second motion to dismiss but reversed the amended default final judgment in a breach of contract action. The court held that entering the amended default final judgment was error because the second motion to dismiss was pending when the judgment was entered. The case was remanded for further proceedings, and the portion concerning the postjudgment motion under Florida Rule of Civil Procedure 1.540 was dismissed as moot.

OPINION

PER CURIAM.

SIXTH DISTRICT COURT OF APPEAL STATE OF FLORIDA
_____ Case No. 6D2023-3775 Lower Tribunal No. 2021-CA-
009130-O _____ MTW JORDAN INC., JORDAN AVE.
MANAGEMENT, INC., MARKEE WHITE, and TANYA WHITE, Appellants, v. TNT
EDUCATORS, INC. d/b/a APPLE ACADEMY, TANYA BASKERVILLE, and WALTRELL LEE,
Appellees. _____ Appeal from the Circuit Court for Orange County.

Denise Kim Beamer, Judge. April 4, 2025 PER CURIAM. Appellants challenge the amended default final judgment entered against them that awarded Appellees significant damages in the breach of contract lawsuit filed. Appellants also contest the denial of their second motion to dismiss the complaint that was determined within the amended default final judgment.

We affirm the denial of Appellants' second motion to dismiss without further discussion. We reverse the amended default final judgment and remand for further proceedings. See Fla. R. Civ. P. 1.500(c) (providing that a "party may plead or otherwise defend at any time before default is entered"); *Sansbury v. Wells Fargo Bank, N.A.*, 204 So. 3d 985, 986 (Fla. 5th DCA 2016) (finding judicial default must be reversed because borrowers' motion to dismiss was pending at the time that the trial court entered the default); *Lenhal Realty, Inc. v. Transamerica Com.*

Fin. Corp., 611 So. 2d 79 (Fla. 4th DCA 1992) (holding that the entry of default was error where defendants filed a motion to dismiss the complaint before the default had been entered).

Additionally, we recognize that the trial court is empowered to enforce its own orders, including the standing case management order and the order directing the defendants to file their answer within ten days.

But under the factual circumstances of this case, including that the second motion to dismiss was pending at the time of the hearing, it was error to enter the amended default final judgment. See *Pierce v. Kroha*, 200 So. 3d 241, 241 (Fla. 5th DCA 2016); *Osheroff v. Osheroff*, 694 So. 2d 855, 855 (Fla. 3d DCA 1997).1 AFFIRMED, in part; REVERSED, in part; DISMISSED, in part, and REMANDED for further proceedings.

WHITE and BROWNLEE, JJ., and LAMBERT, B.D., Associate Judge, concur. 1 To the extent that Appellants in their initial brief also challenge the “implicit denial” of their postjudgment motion filed under Florida Rule of Civil Procedure 1.540, we dismiss that portion of the appeal. Our opinion today reversing the amended default final judgment also renders that motion moot.

2 Tanya White and Spenser Nampon, of TW Law Group, PLLC, Winter Park, for Appellants. Jeffrey W. Smith, Jennifer A. Englert, and Andrew G. Storie, of The Orlando Law Group, PL, Orlando, for Appellees. NOT FINAL UNTIL TIME EXPIRES TO FILE MOTION FOR REHEARING AND DISPOSITION THEREOF IF TIMELY FILED 3