

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
FLORIDA, TAMPA DIVISION

Owens v. Waldon

Owens · No. 8:25-cv-3532-KKM-LSG · Decided February 25, 2026

SUMMARY

The United States District Court for the Middle District of Florida considers Angela Waldon’s motion to dismiss Robin Owens’s claims arising from alleged financial exploitation during their romantic relationship. The court holds that Owens’s prior action was dismissed without prejudice and therefore does not bar the present action under res judicata. The court dismisses Owens’s civil theft claim without prejudice for failure to provide the required pre-suit notice under Florida Statutes section 772.11(1), while permitting further specified action regarding the demand.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Tampa Division
WRITING FOR THE COURT	Aamlall
JURISDICTION	United States District Court for the Middle District of Florida, Tampa Division
DECIDED	February 25, 2026
DOCKET	8:25-cv-3532-KKM-LSG
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 12(b)(6), styled alternatively as a Rule 12(c) motion, to dismiss the complaint as barred by res judicata and to dismiss the civil theft claim for failure to satisfy Florida’s presuit notice requirement.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and construes them in the plaintiff’s favor, asking whether the complaint states a claim that is plausible on its face. Res judicata may be considered on a Rule 12(b)(6) motion when the defense appears on the face of the complaint.
PRECEDENTIAL VALUE	unpublished district court order; persuasive value only
PARTIES	Robin Owens v. Angela Waldon

TOPICS

motions to dismiss

res judicata

pleadings

civil procedure

remedies

PRACTICE AREAS

civil procedure

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real estate

QUESTIONS PRESENTED

1. Whether dismissal of Owens's substantially similar prior action for failure to prosecute operated as a final adjudication on the merits and therefore barred the present action under res judicata.
2. Whether Florida Statutes section 772.11(1)'s thirty-day written presuit demand requirement for a civil theft claim applies in a diversity action in federal court.
3. Whether Owens's contemporaneous presuit demand, alleged futility, substantial compliance, or equitable considerations excused failure to provide the required thirty-day presuit notice.

HOLDINGS

1. The prior dismissal did not operate as a final adjudication on the merits because the record contained no finding of a clear pattern of delay or willful conduct and no finding that lesser sanctions would be inadequate. The prior dismissal was therefore without prejudice and did not have res judicata effect.
2. Florida Statutes section 772.11(1)'s presuit notice requirement is substantive and applies in a federal diversity action.
3. Owens did not satisfy or substantially comply with section 772.11(1), and alleged futility and generalized equitable considerations did not excuse the failure. Because the demand was sent contemporaneously with filing rather than at least thirty days before suit, Count II was dismissed without prejudice.

KEY QUOTATIONS

“This much, however, is clear: a dismissal with prejudice, whether on motion or sua sponte, is an extreme sanction” (Section III.A)

“As a result, the pre-suit notice for a civil theft claim applies.” (Section III.B)

FACTUAL BACKGROUND

Owens, age sixty-eight, alleged that Waldon cultivated a decade-plus romantic relationship with her, became her trusted financial adviser, and exploited that trust to acquire Florida and Colorado properties using Owens's savings, credit, and home equity. Owens alleged that Waldon concealed ownership arrangements, diverted rental income, and blocked access to financial records, resulting in more than \$1 million in property assets. Owens asserted Florida-law claims including exploitation of an elderly person, civil theft, conversion, breach of fiduciary duty, fraudulent misrepresentation, and unjust enrichment.

PROCEDURAL HISTORY

Owens previously filed a substantially similar action in the Middle District of Florida. That complaint was struck as an impermissible shotgun pleading, Owens did not amend, and the prior action was dismissed without an express indication whether the dismissal was with or without prejudice. Owens then filed this action. The court granted Waldon's motion in part and denied it in part, rejecting *res judicata* and dismissing the civil theft claim without prejudice.

DISPOSITION

other

CASES CITED

- Link v. Wabash Railroad Co., 370 U.S. 626, 630-31 (1962)
- Alabama v. U.S. Army Corps of Engineers, 424 F.3d 1117, 1127 (11th Cir. 2005)
- Ahern v. Fidelity National Title Insurance Co., 664 F. Supp. 2d 1224, 1229 (M.D. Fla. 2009)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Pielage v. McConnell, 516 F.3d 1282, 1284 (11th Cir. 2008)
- Strategic Income Fund, L.L.C. v. Spear, Leeds & Kellogg Corp., 305 F.3d 1293, 1295 n.8 (11th Cir. 2002)
- Solis v. Global Acceptance Credit Co., 601 F. App'x 767, 771 (11th Cir. 2015) (per curiam)
- Concordia v. Bendekovic, 693 F.2d 1073, 1075 (11th Cir. 1982)
- Commercial Box & Lumber Co. v. Uniroyal, Inc., 623 F.2d 371, 373 (5th Cir. 1980)
- Citibank, N.A. v. Data Lease Financial Corp., 904 F.2d 1498, 1501 (11th Cir. 1990)
- Bonner v. City of Pritchard, 661 F.2d 1206, 1207 (11th Cir. 1981) (en banc)
- Rodemaker v. City of Valdosta Board of Education, 110 F.4th 1318, 1324 (11th Cir. 2024)
- Betty K Agencies, Ltd. v. M/V MONADA, 432 F.3d 1333, 1337-39 (11th Cir. 2005)
- World Thrust Films, Inc. v. International Family Entertainment, Inc., 41 F.3d 1454, 1456 (11th Cir. 1995) (per curiam)
- Riddell v. Florida, 702 F. App'x 869, 871 (11th Cir. 2017) (per curiam)
- Hughes v. Lott, 350 F.3d 1157, 1161 (11th Cir. 2003)
- Berk v. Choy, 607 U.S. ___, 2026 WL 135974, at *3 (Jan. 20, 2026)
- Worldwide Aircraft Services, Inc. v. Connecticut General Life Insurance Co., 749 F. Supp. 3d 1204, 1208 (M.D. Fla. 2024), aff'd, No. 25-10774, 2025 WL 3642361 (11th Cir. Dec. 16, 2025) (per curiam)
- Pearson v. Scottsdale Insurance, 681 F. Supp. 3d 1271, 1276 n.4 (M.D. Fla. 2023)
- Continental 332 Fund, LLC v. Albertelli, 317 F. Supp. 3d 1124, 1145 (M.D. Fla. 2018)
- Ellis v. Salt River Project Agricultural Improvement & Power District, 24 F.4th 1262, 1270-71 (9th Cir. 2022)
- Lamar Co., L.L.C. v. Mississippi Transportation Commission, 786 F. App'x 457, 460 (5th Cir. 2019)
- Albright v. Christensen, 24 F.4th 1039, 1046-49 (6th Cir. 2022)
- Pledger v. Lynch, 5 F.4th 511, 518-20, 530 (4th Cir. 2021)

- Shady Grove Orthopedic Associates, P.A. v. Allstate Insurance Co., 559 U.S. 393, 398 (2010)
- Burlington Northern Railroad Co. v. Woods, 480 U.S. 1, 4-5 (1987)
- Connell v. Poynter, 2021 WL 2258405, at *10 n.8 (M.D. Fla. June 3, 2021)

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