

THIRD DISTRICT COURT OF APPEAL OF FLORIDA

John Afriyie v. Louis Friend

No. 3D26-0348 (Fla. 3d DCA Apr. 29, 2026) · No. 3D26-0348 · Decided April 29, 2026

SUMMARY

The Florida Third District Court of Appeal granted a petition for writ of certiorari challenging orders compelling and scheduling the petitioner’s deposition after entry of a final default judgment. The court held that the trial court lacked authority to order post-judgment discovery in the case in chief and quashed the challenged orders.

CASE DETAILS

COURT	Third District Court of Appeal of Florida
WRITING FOR THE COURT	Per Curiam; Fernandez; Logue; Gordo
JURISDICTION	Florida Third District Court of Appeal
DECIDED	April 29, 2026
DOCKET	3D26-0348
DISPOSITION	quashed
PROCEDURAL POSTURE	Petitioner sought a writ of certiorari to review orders compelling him to appear for a deposition and scheduling that deposition after entry of a final default judgment.
STANDARD OF REVIEW	Certiorari review of discovery orders; discovery orders are traditionally reviewed by certiorari because wrongful discovery may cause harm that cannot be remedied after the fact.
PRECEDENTIAL VALUE	Published
PARTIES	John Afriyie v. Louis Friend

TOPICS

- discovery dispute
- writ of certiorari
- default judgment
- appellate procedure
- civil procedure

PRACTICE AREAS

- Civil procedure
- Appellate procedure
- Remedies

QUESTIONS PRESENTED

1. Whether the trial court retained authority, after entering a final judgment, to compel the judgment debtor to sit for deposition in the case in chief.
2. Whether the trial court could extend expired pre-judgment discovery after entry of the final judgment.
3. Whether the post-judgment discovery orders were reviewable and correctable by writ of certiorari.

HOLDINGS

1. Once a final judgment is entered, the trial court loses the ability to order the party against whom judgment has been entered to sit for deposition in the case in chief and is limited to ordering discovery for purposes of execution, subject to specific exceptions not at issue here.
2. The petition for writ of certiorari should be granted and the February 6, 2026 Discovery Order and February 19, 2026 Scheduling Order quashed.

KEY QUOTATIONS

“Once the final judgment is entered, the trial court loses the ability to order the party against whom judgment has been entered to sit for deposition in the case in chief and is limited to ordering discovery for purposes of execution.”

“Aside from Rule 1.290(b), which is designed to preserve testimony, and Rule 1.560 governing depositions in aid of execution, discovery under the Florida Rules of Civil Procedure is limited to ‘pending actions.’”

FACTUAL BACKGROUND

The trial court entered a final default judgment against Afriyie for \$454,166 in actual damages plus treble damages, with the unliquidated damages awarded without an evidentiary hearing. After Afriyie appealed, the trial court extended expired pre-judgment discovery and ordered him, as a New York resident, to appear personally for a deposition in Miami-Dade County. The court later scheduled the deposition at opposing counsel's Miami office and prohibited objections to the date or location.

PROCEDURAL HISTORY

The trial court entered a final default judgment against Afriyie on January 7, 2026, awarding \$454,166 in actual damages and treble damages without an evidentiary hearing. Afriyie filed a notice of appeal from the judgment on February 6, 2026. Later that day, the trial court entered an order extending expired pre-judgment discovery and compelling Afriyie, a New York resident, to appear in person for a deposition in Miami-Dade County; on February 19, 2026, it entered a scheduling order setting the deposition and prohibiting objections to its date or location. The Third District granted certiorari and quashed both orders.

DISPOSITION

quashed

CASES CITED

- *Horne v. School Bd. of Miami-Dade Cty.*, 901 So. 2d 238, 240 (Fla. 1st DCA 2005)

- Berger v. Riverwind Parking, LLP, 836 So. 2d 1073, 1075 (Fla. 5th DCA 2003)
- JPMorgan Chase Bank, N.A. v. Llovet, 330 So. 3d 1006, 1010 (Fla. 3d DCA 2021)

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