

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA, FOURTH DISTRICT

Michael David Weinstein v. Jennifer Weinstein

Weinstein · No. 4D2024-2244 · Decided October 29, 2025

SUMMARY

The Florida Fourth District Court of Appeal affirmed most rulings in a post-dissolution enforcement order and dismissed part of the former husband's appeal for lack of jurisdiction. The court held that an order determining entitlement to attorney’s fees, without determining the amount, is not appealable and makes the appeal premature as to that issue.

CASE DETAILS

COURT	District Court of Appeal of the State of Florida, Fourth District
WRITING FOR THE COURT	Elizabeth Metzger, Associate Judge; Chief Judge Kuntz; Judge Conner
JURISDICTION	District Court of Appeal of the State of Florida, Fourth District
DECIDED	October 29, 2025
DOCKET	4D2024-2244
DISPOSITION	other
PROCEDURAL POSTURE	Former husband appealed a post-dissolution enforcement order, including the trial court's finding that the former wife was entitled to attorney's fees.
PRECEDENTIAL VALUE	Published
PARTIES	Michael David Weinstein v. Jennifer Weinstein

TOPICS

- family law procedure
- attorney fees
- appellate jurisdiction
- final judgment rule
- dissolution of marriage

PRACTICE AREAS

- family law
- appellate procedure
- attorney fees
- remedies

QUESTIONS PRESENTED

- Whether the former husband's challenge to the trial court's finding of entitlement to attorney's fees was an appealable order when the amount of fees had not yet been determined.

2. Whether the trial court's other four challenged rulings should be affirmed.

HOLDINGS

1. A finding of entitlement to attorney's fees without a determination of the amount of fees is not appealable; therefore, the former husband's appeal from that ruling was premature and had to be dismissed for lack of jurisdiction.
2. The trial court's rulings on the former husband's other four issues were affirmed without discussion.

KEY QUOTATIONS

“A finding of entitlement to attorney’s fees without a determination of the amount of fees is not appealable.”

“Affirmed in part, dismissed in part.”

FACTUAL BACKGROUND

The parties were formerly married and the appeal arose from post-dissolution enforcement proceedings. The trial court entered an enforcement order and determined that the former wife was entitled to attorney's fees, without determining the amount of those fees. The former husband appealed five issues, including the fee-entitlement ruling.

PROCEDURAL HISTORY

The Circuit Court for the Fifteenth Judicial Circuit in and for Palm Beach County entered a post-dissolution enforcement order and granted the former wife's motion for entitlement to attorney's fees. The former husband appealed. The Fourth District affirmed four challenged rulings without discussion and dismissed the challenge to fee entitlement as premature because the amount of fees had not yet been determined.

DISPOSITION

other

CASES CITED

- Dania Beach Boat Club Condo. Ass’n, Inc. v. Forcier, 290 So. 3d 99, 102 (Fla. 4th DCA 2020)

OPINION

PER CURIAM.

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA FOURTH DISTRICT
MICHAEL DAVID WEINSTEIN, Appellant, v. JENNIFER WEINSTEIN, Appellee. No. 4D2024-2244 [October 29, 2025] Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Laura C. Burkhart, Judge; L.T. Case No. 50-2021-DR- 002626-XXXX-SB. Michael D. Weinstein, Fort Lauderdale, pro se.

Jonathan S. Root and Christopher A. Tiso of Jonathan S. Root, P.A., Boca Raton, for appellee. METZGER, ELIZABETH, Associate Judge. The former husband appeals the trial court's post-dissolution enforcement order. The former husband raises five issues on appeal.

We affirm the trial court's rulings on four of the issues without discussion. On the fifth issue, the former husband argues that the trial court erred by granting the former wife's motion for entitlement to fees. "A finding of entitlement to attorney's fees without a determination of the amount of fees is not appealable." See *Dania Beach Boat Club Condo. Ass'n, Inc. v. Forcier*, 290 So.

3d 99, 102 (Fla. 4th DCA 2020) (citations omitted). The former husband's appeal of the trial court's finding of entitlement to attorney's fees is premature. As a result, that portion of the appeal is dismissed for lack of jurisdiction. Affirmed in part, dismissed in part. KUNTZ, C.J., and CONNER, J., concur. * * * Not final until disposition of timely-filed motion for rehearing.