

FIFTH DISTRICT COURT OF APPEAL OF FLORIDA

David Wohl and Tracy Marie Wohl v. Wendy W. Heinzmann, Nancy H. Troutman, as Trustee of the Kathryn G. Whitehead Revocable Living Trust, dated June 2, 2021, as amended, Hugh T. Whitehead, Jr., and Kelly Heinzmann Smith

Wohl v. Heinzmann · No. 5D2025-1610 · Decided January 2, 2026

SUMMARY

The Fifth District Court of Appeal of Florida affirmed the order striking David and Tracy Wohl's amended complaint. The court dismissed as premature the appeal from the order imposing sanctions under section 57.105(1).

CASE DETAILS

COURT	Fifth District Court of Appeal of Florida
WRITING FOR THE COURT	Chief Judge Jay; Judge Edwards; Judge Maciver
JURISDICTION	Florida Fifth District Court of Appeal
DECIDED	January 2, 2026
DOCKET	5D2025-1610
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellants appealed an order granting appellees' motion to strike the amended complaint and an order granting sanctions under section 57.105(1).
PRECEDENTIAL VALUE	Published opinion
PARTIES	David Wohl, Tracy Marie Wohl v. Wendy W. Heinzmann, Nancy H. Troutman, as Trustee of the Kathryn G. Whitehead Revocable Living Trust, dated June 2, 2021, as amended, Hugh T. Whitehead, Jr., Kelly Heinzmann Smith

TOPICS

- motion to amend
- sanctions
- appellate procedure
- mootness
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the circuit court's order granting appellees' motion to strike appellants' amended complaint should be affirmed.
2. Whether the appeal from the order granting sanctions pursuant to section 57.105(1) was ripe for appellate review.

HOLDINGS

1. The order granting appellees' motion to strike appellants' amended complaint is affirmed.
2. The appeal of the order granting sanctions pursuant to section 57.105(1) is dismissed as premature.

KEY QUOTATIONS

"We affirm the order granting Appellees' motion to strike Appellants' amended complaint, but dismiss as premature the appeal of the order granting sanctions pursuant to section 57.105(1)."

"AFFIRMED in part; DISMISSED in part."

FACTUAL BACKGROUND

The opinion text does not provide substantive facts underlying the dispute. It identifies an amended complaint that was struck and a sanctions order entered under section 57.105(1).

PROCEDURAL HISTORY

The appeal arose from the Circuit Court for Marion County, where Judge Lisa D. Herndon entered orders striking appellants' amended complaint and granting sanctions pursuant to section 57.105(1). The Fifth District Court of Appeal affirmed the order striking the amended complaint and dismissed the appeal from the sanctions order as premature.

DISPOSITION

dismissed

OPINION

PER CURIAM.

FIFTH DISTRICT COURT OF APPEAL STATE OF FLORIDA
_____ Case No. 5D2025-1610 LT Case No. 2023-CA-003263
_____ DAVID WOHL and TRACY MARIE WOHL, Appellants, v.
WENDY W. HEINZMANN, NANCY H. TROUTMAN, as Trustee of the Kathryn G. Whitehead
Revocable Living Trust, dated June 2, 2021, as amended, HUGH T. WHITEHEAD, JR., and

KELLY HEINZMANN SMITH, Appellees. _____ On appeal from the Circuit Court for Marion County.

Lisa D. Herndon, Judge. Michele M. Thomas, of Adrian Philip Thomas, P.A., Fort Lauderdale, for Appellants. W. Charles Hughes and Krista L.B. Collins, of Siegel Hughes Ross & Collins, Gainesville, for Appellee, Wendy W. Heinzmann. Nicolas B. Harvey, of Harvey, P.A., Gainesville, for Appellee, Nancy H. Troutman. No Appearance for Remaining Appellees. January 2, 2026 PER CURIAM.

We affirm the order granting Appellees' motion to strike Appellants' amended complaint, but dismiss as premature the appeal of the order granting sanctions pursuant to section 57.105(1). AFFIRMED in part; DISMISSED in part. JAY, C.J., and EDWARDS and MACIVER, JJ., concur. _____ Not final until disposition of any timely and authorized motion under Fla. R. App.

P. 9.330 or 9.331. _____ 2