IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO FILE MOTION FOR REHEARING AND DISPOSITION THEREOF IF FILED

HANA ALKOOR ODEH,

Appellant,

v. Case No. 5D21-167

MAHER MAHMOUD ODEH,

Appellee.

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Opinion filed July 16, 2021

Nonfinal Appeal from the Circuit Court for Lake County, Dan R. Mosley, Judge.

Kelly D. Feig, of The Law Office of Kelly D. Feig, P.A., Hallandale Beach, for Appellant.

Teeluck Persad, of CPLS, P.A., Orlando, for Appellee.

COHEN, J.

Hana Odeh appeals the order denying her motion for sanctions under section 57.105, Florida Statutes (2018). We dismiss the appeal for lack of jurisdiction.

Maher Odeh, Ms. Odeh's husband, obtained a foreign divorce judgment in Jordan under Sharia law and filed an action to domesticate the decree in Florida.[1] In response, Ms. Odeh moved to dismiss Mr. Odeh's petition to domesticate the Jordanian divorce judgment and for the imposition of sanctions pursuant to section 57.105. Ms. Odeh also filed her own petition for dissolution of marriage, which was initially assigned a separate case number, but at her request, the two matters were consolidated.[2] The trial court dismissed Mr. Odeh's petition but declined to impose sanctions.[3] Ms. Odeh's petition for dissolution remains pending.

Since the petition for dissolution of marriage is still pending below, the order denying Ms. Odeh's motion for sanctions is nonfinal.[4] Recognizing this,

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[1] A divorce under Sharia law is called a talaq.

[2] Ms. Odeh claimed that due to a scrivener's error, the petition for dissolution was filed under a separate case number.

[3] Although there were a number of grounds raised in the motion, the dismissal was based upon lack of notice to Ms. Odeh.

[4] While the parties do not suggest otherwise, the order is nonfinal because judicial labor remains in the cause below. See Fetters v. U.S. Fire Ins. Co., 399 So. 2d 427, 428 (Fla. 5th DCA 1981) ("An order, to be appealable as final, must constitute an end to the judicial labor in the cause and there must remain nothing further to be done by the court to effect a termination of the cause as between the parties directly affected." (citing S.L.T. Warehouse Co. v. Webb, 304 So. 2d 97 (1974))). And, given the unique circumstances of this case, we cannot say that Mr. Odeh's petition to domesticate was separate and distinct from, and not interdependent with,

Ms. Odeh argues on appeal that the denial of her motion determined her right to immediate monetary relief, such that this Court has jurisdiction under Florida Rule of Appellate Procedure 9.130(a)(3)(C)(iii)a. We disagree.

Rule 9.130(a)(3)(C)(iii)a. provides that this Court has jurisdiction over nonfinal orders that determine, in family law matters, "the right to immediate monetary relief." Rule 9.130 limits jurisdiction to orders explicitly referenced therein. See Westwood One, Inc. v. Flight Express, Inc., 940 So. 2d 1241, 1243 (Fla. 5th DCA 2006). It is "designed to reduce the number of appealable pretrial orders and to discourage piecemeal review." Id. (quoting Cotton States Mut. Ins. v. D'Alto, 879 So. 2d 67, 69 (Fla. 1st DCA 2004)). As a result, "courts have narrowly construed the scope of the rule so that it applies only to the orders it identifies as appealable orders." Id. (quoting Cotton States Mut. Ins., 879 So. 2d at 69).

We view an award of attorney's fees under section 57.105 differently than the decision to award temporary attorney's fees in family law matters,

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the pending petition for dissolution. See id. ("There is an exception where an order finally adjudicates a separate and distinct cause of action which is not interdependent with other claims yet to be resolved." (citations omitted)); cf. San Pedro v. San Pedro, 910 So. 2d 426, 428 (Fla. 4th DCA 2005) (reasoning that tort claims raised in dissolution of marriage proceeding were separate and distinct because claims could be raised after marriage had been dissolved).

which would be appealable under rule 9.130(a)(3)(C)(iii)a. See Seward v. Seward, 676 So. 2d 49, 49 n.1 (Fla. 5th DCA 1996). The former is punitive in nature and designed to discourage baseless claims, see Mullins v. Kennelly, 847 So. 2d 1151, 1154 (Fla. 5th DCA 2003), while the latter is intended to "ensure that both parties will have a similar ability to obtain competent legal counsel." Rosen v. Rosen, 696 So. 2d 697, 699 (Fla. 1997) (citation omitted). The fact that a sanction may be monetary does not transform it into monetary "relief" as contemplated by rule 9.130(a)(3)(C)(iii)a. Accordingly, we dismiss this appeal for lack of jurisdiction.

DISMISSED.

HARRIS and NARDELLA, JJ., concur.