

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D17-5182

BARBARA ANN KELLY,

Appellant,

v.

SUNTRUST BANK,

Appellee.

On appeal from the Circuit Court for Walton County.
Jeffrey E. Lewis, Judge.

May 16, 2019

PER CURIAM.

Barbara Kelly appeals an order denying her “emergency motion for injunction”—which sought a “moratorium” in her foreclosure case prohibiting the trial court from acting—even though final judgment had been granted in favor of SunTrust Bank over a year earlier. Because Kelly’s “emergency motion for injunction” did not actually seek injunctive relief, the order denying it is not appealable. *See Loidl v. I & E Group, Inc.*, 927 So. 2d 1016, 1018 (Fla. 2d DCA 2006) (“[I]t is not an order which directs or precludes the party from taking a certain action outside of the lawsuit. Therefore, it is not properly appealed under rule 9.130(a)(3)(B).”); *cf. Stanfield v. Florida Dep’t of Children & Families*, 698 So. 2d 321, 322 (Fla. 3d DCA 1997) (“[T]his order is an Injunction entered by the trial court because the effect and purpose of the order is to enjoin [the opposing party] from doing those acts enumerated in the order.”). We DISMISS Kelly’s appeal.

WOLF, KELSEY, and WINOKUR, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Barbara Ann Kelly, pro se, Appellant.

Amelia Hallenberg Beard of McCalla, Raymer, Leibert, Pierce, LLC, Orlando, for Appellee.