

DISTRICT COURT OF APPEAL OF FLORIDA
SECOND DISTRICT

THOMAS J. LANG,

Appellant,

v.

FALLANG FAMILY LIMITED PARTNERSHIP, ETHAN FALLANG, and
RIVERVIEW HEALTH INSTITUTE,

Appellees.

No. 2D21-2452

July 15, 2022

Appeal from the Circuit Court for Collier County; Hugh D. Hayes,
Judge.

Thomas J. Lang, pro se.

Jason Goldstein and Joshua Saval of Goldstein & Company, Coral
Gables, for Appellee Fallang Family Limited Partnership.

No appearance for remaining Appellees.

NORTHCUTT, Judge.

Thomas Lang appeals an order imposing monetary sanctions
on him pursuant to section 57.105, Florida Statutes (2020),

following the dismissal of his petition for a pure bill of discovery.

We reverse because the circuit court failed to make findings necessary to support the imposition of sanctions.¹

"A fee award as a sanction under section 57.105(1) requires the circuit court to make detailed findings on the basis of its award." *Soto v. Carrollwood Vill. Phase III Homeowners Ass'n*, 326 So. 3d 1181, 1185 (Fla. 2d DCA 2021); *see also Jackson v. Jackson*, 177 So. 3d 639, 641 (Fla. 2d DCA 2015); *Austin & Laurato, P.A. v. State Farm Fla. Ins. Co.*, 229 So. 3d 911, 913 (Fla. 5th DCA 2017). In this case, the court made no findings specifying the bad faith conduct for which it was imposing sanctions. Alone, the absence of findings in the written order requires reversal.

Further, although the circuit court dismissed Lang's case for failing to state a cause of action, "[f]ailing to state a cause of action is not, in and of itself, a sufficient basis to support a finding that a claim was so lacking in merit as to justify an award of fees pursuant to section 57.105." *Soto*, 326 So. 3d at 1184 (quoting *Connelly v. Old Bridge Vill. Co-Op, Inc.*, 915 So. 2d 652, 656 (Fla. 2d

¹ Lang's other arguments on appeal are without merit and require no discussion.

DCA 2005)); *see also Vorbeck v. Betancourt*, 107 So. 3d 1142, 1147 (holding that the lower court erred in dismissing a meritless claim for a pure bill of discovery *with prejudice* because the plaintiff might have been able to amend the complaint to state a different cause of action). Moreover, the court dismissed Lang's case *without prejudice*, suggesting that it may not have considered the petition to be wholly frivolous.

For these reasons, we reverse the order imposing sanctions. If on remand the circuit court again determines that sanctions are appropriate, it must include findings necessary to support that conclusion in its written order.

Reversed and remanded.

BLACK and SLEET, JJ., Concur.

Opinion subject to revision prior to official publication.