

Third District Court of Appeal

State of Florida

Opinion filed October 14, 2020.
Not final until disposition of timely filed motion for rehearing.

No. 3D20-15
Lower Tribunal No. 16-2863

Astra Remy-Calixte,
Appellant,

vs.

Harvard Financial Services, LLC, et al.,
Appellees.

An Appeal from a non-final order from the Circuit Court for Miami-Dade County, Jacqueline Hogan Scola, Judge.

Greenspoon Marder LLP, and John H. Pelzer (Fort Lauderdale), for appellant.

Roniel Rodriguez IV, P.A., and Roniel Rodriguez, IV, for appellee Harvard Financial Services, LLC; Beighley, Myrick, Udell & Lynne, P.A., and Maury L. Udell, for appellee Tessa Iacoboni.

Before EMAS, C.J., and GORDO and BOKOR, JJ.

EMAS, C.J.

Astra Remy-Calixte appeals the trial court’s nonfinal order granting Harvard Financial Services, LLC and Tessa Iacoboni’s motion to enforce this court’s mandate from the prior appeal in Harvard Fin. Servs., LLC v. Remy-Calixte, 283 So. 3d 847 (Fla. 3d DCA 2019). We held, in that earlier appeal, that the trial court erred in granting Remy-Calixte’s motions to vacate two prior trial court orders. We further held that, as a result of this error, the foreclosure judgment entered in Remy-Calixte’s favor was invalid, and that the subsequent foreclosure sale was void. Id. at 851-52. We reversed and remanded the cause to the trial court for further proceedings consistent with our opinion. Id. at 852.

On remand, the trial court, pursuant to our mandate, vacated the prior final summary judgment entered in Remy-Calixte’s favor and voided her title to the property. The trial court also dissolved the existing injunction against appellees so they could enforce their respective claims. On appeal from that order, Remy-Calixte contends the trial court erred in dissolving the injunction and in doing so without consideration of the remaining, equitable claims from her complaint.¹

¹ To the extent Remy-Calixte challenges any non-injunctive aspects of the trial court’s order, we dismiss those challenges for lack of jurisdiction, as those portions of the order are nonfinal and nonappealable. Aaoep USA, Inc. v. Pex German OE Parts, LLC, 202 So. 3d 470, 472 (Fla. 1st DCA 2016) (noting: “[O]ur jurisdiction to review non-final orders granting injunctive relief under rule 9.130(a)(3)(B) does not extend to afford review of certain other matters the non-final order addresses. Accordingly, Appellant’s challenges to the non-injunctive portions of the order are dismissed as non-appealable, non-final rulings.”) (citing Stanberry v. Escambia Cty.,

When a case is reversed and remanded with general directions for further proceedings, the lower tribunal is vested with broad discretion in handling or directing the course of the proceedings thereafter. Lucom v. Potter, 131 So. 2d 724 (Fla. 1961); Brennan v. Brennan, 184 So. 3d 583 (Fla. 4th DCA 2016); Collins v. State, 680 So. 2d 458 (Fla. 1st DCA 1996). See also Corkidi v. Franco Invs., LLC, 201 So. 3d 52, 54 (Fla. 3d DCA 2015) (observing: “A trial court has the latitude to comply with an appellate court's implicit rather than explicit suggestions in the opinion.”) Upon our review of the record, we hold that the trial court did not abuse its discretion in dissolving the injunction pursuant to its obligation to carry out this court’s mandate, nor did it act contrary to or inconsistent with this court’s mandate in the prior appeal. We find the other arguments raised by Remy-Calixte are without merit.

Affirmed in part and dismissed in part.

813 So.2d 278, 279 (Fla. 1st DCA 2002) and Hancock v. Suwannee Cty. Sch. Bd., 149 So.3d 1188, 1190 (Fla. 1st DCA 2014)).