

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

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April 08, 2021

Clerk - Middle District of Florida
U.S. District Court
801 N FLORIDA AVE
TAMPA, FL 33602-3849

Appeal Number: 20-14123-GG
Case Style: Burton Wiand v. Piotr Luda
District Court Docket No: 8:20-cv-00862-VMC-TGW

The enclosed copy of this Court's Order of Dismissal is issued as the mandate of this court. See 11th Cir. R. 41-4. Counsel and pro se parties are advised that pursuant to 11th Cir. R. 27-2, "a motion to reconsider, vacate, or modify an order must be filed within 21 days of the entry of such order. No additional time shall be allowed for mailing."

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Joseph Caruso, GG
Phone #: (404) 335-6177

Enclosure(s)

DIS-4 Multi-purpose dismissal letter

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 20-14123-GG

BURTON W. WIAND, as Receiver for Oasis International
Group, Ltd; Oasis Management, LLC; and
Satellite Holdings Company,

Plaintiff-Appellee,

versus

SCOTT ARNOLD,
TRACY ARNOLD, et al.,

Defendants,

CHRIS ARDUINI,
SHELLEY ARDUINI,
KAYLA CROWLEY,
PATRICK FLANDER,
HENRY FUKSMAN
ANNA FUKSMAN,
CHAD HICKS,
ALAN JOHNSTON,
KEVIN KERRIGAN,
DAVID PAUL LIPINCZYK,
PIOTR LUDA,
FRANK NAGEL,
VINCE PETRALIS,
VINCE PETRALIS, JR.,

Defendants-Appellants.

Appeal from the United States District Court
for the Middle District of Florida

Before: MARTIN, BRANCH, and LUCK, Circuit Judges.

BY THE COURT:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. The district court's October 3, 2020 endorsed orders, which each denied a separate motion to dismiss and from which Appellants appeal, are not final orders because they did not end the litigation on the merits, as other claims and matters were still pending before the district court when the notices of appeal were filed. *See World Fuel Corp. v. Geithner*, 568 F.3d 1345, 1348 (11th Cir. 2009); *Catlin v. United States*, 324 U.S. 229, 236 (1945) (noting that the denial of a motion to dismiss is generally not final); *see also Mason v. Stallings*, 82 F.3d 1007, 1009-10 (11th Cir. 1996); *Crymes v. DeKalb Cty., Ga.*, 923 F.2d 1482, 1484 (11th Cir. 1991). Moreover, because the orders did not dispose of all claims and the district court did not certify them pursuant to Fed. R. Civ. P. 54(b), the orders were not immediately appealable. *See Supreme Fuels Trading FZE v. Sargeant*, 689 F.3d 1244, 1245-46 (11th Cir. 2012). Thus, we lack jurisdiction over this appeal because the order is not final and does not fall into an exception for interlocutory orders. 28 U.S.C. §§ 1291, 1292; *see CSX Transp., Inc. v. City of Garden City*, 235 F.3d 1325, 1327

(11th Cir. 2000). Notably, the district court's subsequent default judgments against Appellants did not serve to cure the premature notices of appeal. *See Robinson v. Tanner*, 798 F.2d 1378, 1385 (11th Cir. 1986).

Any outstanding motions are DENIED as moot. No motion for reconsideration may be filed unless it complies with the timing and other requirements of 11th Cir. R. 27-2 and all other applicable rules.