

**SIXTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA**

Case No. 6D2024-2510
Lower Tribunal No. 2024-CA-001540

LYNNE'A SAITO and KOICHI SAITO,

Appellants,

v.

COLLIER COUNTY, STATE OF FLORIDA, DE CUBAS & LEWIS, P.A., PRATIK PATEL,
PETER LANNING, and EXL LEGAL, PLLC,

Appellees.

Appeal from the Circuit Court for Collier County.
Lauren L. Brodie, Judge.

December 12, 2025

PER CURIAM.

Appellants, Lynne'a and Koichi Saito, pro se, appeal four dismissal orders on their declaratory action against Collier County, State of Florida, Pratik R. Patel, Esq., De Cubas & Lewis, P.A., Peter Lanning, Esq., and eXL Legal, PLLC. On our de novo review of those orders, we affirm the trial court's orders dismissing Appellants' action against Appellees Patel, De Cubas, Lanning, and eXL Legal because the amended complaint failed to state a cause of action against them and an amendment

would be futile. *See Riggins v. Clifford R. Rhoades, P.A.*, 373 So. 3d 655, 659 (Fla. 6th DCA 2023) (“A final order dismissing a complaint with prejudice is reviewed *de novo*.”); *Tuten v. Fariborzian*, 84 So. 3d 1063, 1069 (Fla. 1st DCA 2012) (“Although leave of the court shall be freely given when justice requires, the court need not allow an amendment that would be futile.”).

We, however, dismiss Appellants’ appeal of the orders granting Collier County’s and State of Florida’s motions to dismiss because they are non-final, non-appealable orders. *See Paulino v. BJ’s Wholesale Club, Inc.*, 106 So. 3d 985, 987 (Fla. 4th DCA 2013) (“[I]t is well-established that an order which merely grants a motion to dismiss, as contrasted with an order dismissing a complaint or an action, is not a final order.”); *GMI, LLC v. Asociacion del Futbol Argentino*, 174 So. 3d 500, 501 (Fla. 3d DCA 2015) (“An order that merely grants a motion to dismiss is not a final order. This is true even if the order grants the motion ‘with prejudice.’ For an order to be final, it must constitute an entry of a dismissal of the case. It is the dismissal of the case that is final and appealable, not an order simply granting a motion.” (internal marks and citations omitted)).

AFFIRMED in part; DISMISSED in part.

TRAVER, C.J., and MIZE and BROWNLEE, JJ., concur.

Lynne'a Saito and Koichi Saito, Near Naples, pro se.

Jeffrey A. Klatzkow, County Attorney, and Ronald T. Tomasko and Derek D. Perry, Assistant County Attorneys, Naples, for Appellee, Collier County.

James Uthmeier, Attorney General, Tallahassee, and Thomas A. Pratt, Assistant Attorney General, Orlando, for Appellee, State of Florida.

Steven L. Force, of De Cubas & Lewis, P.A., Fort Lauderdale, pro se, and for Appellee, Pratik Patel.

Steve D. Tran, of eXL Legal, PLLC, St. Petersburg, pro se, and for Appellee, Peter Lanning.

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