

1 MARCIO SOUSA SALES
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6 **IN THE CIRCUIT OF THE 15TH JUDICIAL CIRCUIT IN AND FOR PALM**
7 **BEACH COUNTY, FLORIDA**

8) Case No.: 50-2023-SC-011007-XXXX-SB
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10 ANTONIO DE ANDRADE,
11 Plaintiff(s),
12 vs.

13 MARCIO SOUSA SALES,
14 Defendant(s).

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17 **DEFENDANT'S MOTION TO VACATE MARCH 11, 2025,**
18 **CONTEMPT HEARING FOR LACK OF JURISDICTION**

19 **COMES NOW**, Defendant, Marcio Sousa Sales, and moves this Honorable Court
20 to vacate its Order to Show Cause for Contempt Hearing scheduled for March 11,
21 2025, on the grounds that the Court lacks jurisdiction due to a pending appeal, and
22 states as follows:
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1. The Trial Court Has Been Divested of Jurisdiction

On December 13, 2024, Defendant filed a Notice of Appeal, which removed the court's jurisdiction over this matter pursuant to Fla. R. App. P. 9.130(f).

Despite this, the trial court has continued issuing post-judgment enforcement orders, including the order scheduling a contempt hearing for March 11, 2025.

Florida courts have consistently held that a trial court lacks authority to enforce a judgment that is actively under appellate review:

Florida Power & Light Co. v. Canal Authority, 423 So. 2d 421 (Fla. 5th DCA 1982)

(A lower court lacks jurisdiction to enforce orders once an appeal has been filed.)

Sterling Factors Corp. v. U.S. Bank Nat'l Ass'n, 968 So. 2d 658 (Fla. 2d DCA

2007) (Post-judgment enforcement orders issued after an appeal is filed are

improper.)

2. The Contempt Hearing Would Violate Due Process

The trial court's threat of contempt and incarceration is an abuse of discretion, especially since the financial disclosure order itself is under appellate review.

Florida law prohibits contempt sanctions when a judgment is being appealed, as seen in:

State ex rel. Scaldeferri v. Sandstrom, 285 So. 2d 409 (Fla. 1973) (Contempt

proceedings should be vacated when based on an order under appeal.)


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2 **RELIEF REQUESTED**
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4 **WHEREFORE**, Defendant respectfully requests this Court:

5 Vacate March 11, 2025, contempt hearing for lack of jurisdiction.

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7 Refrain from any further enforcement actions until the appellate review is complete.
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9 Respectfully submitted,

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11 
12 _____
13 Marcio Sousa Sales
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17 **CERTIFICATE OF SERVICE**

18 I hereby certify that on this March 4, 2025, I filed the foregoing DEFENDANT'S
19 MOTION TO VACATE MARCH 11, 2025, CONTEMPT HEARING FOR LACK
20 OF JURISDICTION in person at the clerk's office.

21 Additionally, I certify that I served a copy of the foregoing document via email to the
22 defendant Antonio de Andrade

23 
24 Marcio Sousa Sales
25 22187 Aquila Street
26 Boca Raton, FL 33528
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28 _____