

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, FLORIDA

JEREMY HALES, ELEPHANT SHOE, LLC,
MARTHA GEORGE RIZK, MEGAN M. FOX,
and MATTHEW LEWIS,

CASE NO.: 2025-CA-006868-O
CIVIL DIVISION 34

Plaintiffs,

v.

MICHAEL FERDERIGOS and
LESLIE FERDERIGOS,

Defendants.

ORDER DENYING PLAINTIFFS' AMENDED MOTION TO DECLARE
LESLIE FERDERIGOS A VEXATIOUS LITIGANT

THIS CAUSE came before the Court on Plaintiffs' *Amended Motion to Declare Leslie Ferderigos a Vexatious Litigant*, filed August 11, 2025 (the "Motion"). The Court has reviewed the Motion, Defendant Leslie Ferderigos' *Response in Opposition* filed July 16, 2026, Plaintiffs' *Notice of Supplemental Authority* filed September 2, 2026, Defendant's *Response to that Notice* filed September 3, 2026, and *Adams v. Adams*, No. 3D26-0921, 51 Fla. L. Weekly D1809a (Fla. 3d DCA Sept. 2, 2026), and has heard argument and testimony. The Court finds as follows.

Section 68.093, Florida Statutes, was amended effective July 1, 2025. Ch. 2025-128, Laws of Fla. Under the amended statute, a vexatious litigant is a person proceeding pro se who, among other things, in the immediately preceding seven years has commenced, prosecuted, or maintained as pro se five or more actions that have been finally and adversely determined against that person, excluding any action the court finds was maintained in good faith, § 68.093(2)(c)1, or who repeatedly files unmeritorious pleadings, conducts unnecessary discovery, or engages in tactics that are frivolous or solely intended to cause delay, § 68.093(2)(c)4. An action commenced on the person's behalf by a Florida attorney is not pro se. § 68.093(2)(c). The prior version required five civil actions in five years, excluded family law matters, and did not contain subparagraph 4. § 68.093(2)(a), (d), Fla. Stat. (2024). A vexatious litigant finding must rest on competent, substantial evidence. *Adams*, 51 Fla. L. Weekly D1809a.

DISCUSSION

The Motion invokes the prior five-in-five test. Plaintiffs' *Notice* invokes subparagraph 4 of the amended statute. Defendant argues the prior version governs. The Court does not decide that question because the Motion fails under either version. The Motion lists eight matters. Plaintiffs offered docket sheets and argument of counsel. Plaintiffs called no witness. Ms. Ferderigos explained the basis for each matter, and her testimony was not rebutted.

Three matters are circuit civil cases. Case No. 2021-CA-002131 ended in a voluntary dismissal after counsel had appeared for Ms. Ferderigos. Case No. 2025-CA-004528 ended in a voluntary dismissal and was prosecuted through counsel. A voluntary dismissal is not a final adverse determination, and a counseled action is not pro se. Case No. 2023-CA-017845 was dismissed on the Court's own order after the case sat without service. The Court will assume, without deciding, that this counts as one adverse determination.

Four are injunction petitions under the Family Law Rules. The prior statute excludes them outright. Under the amended statute, only Case No. 2021-DR-002327 was dismissed after hearing. The other three ended on Ms. Ferderigos' own filings. In Case No. 2021-DR-002607, the July 19, 2021 order of dismissal recites that she filed a notice of withdrawal of the petition and dismisses the case without prejudice. In Case No. 2024-DR-007535, she filed a *Notice of Voluntary Dismissal* on July 29, 2024, three days before the August 1, 2024 order. In Case No. 2025-DR-002234, she filed a *Notice of Voluntary Dismissal* on March 4, 2025, the same day the order was entered. A voluntary dismissal is not a final adverse determination. At most, one more adverse determination.

The last is a Hillsborough County guardianship, Case No. 19-CP-000776, and its appeal. Ms. Ferderigos said she appeared there as counsel for an interested party, not as a party. Plaintiffs offered nothing but a docket sheet to show otherwise. An appeal within an action is not a separate action commenced pro se. Counting the affirmance generously, that is a third adverse determination.

That makes three pleadings. The threshold of subparagraph 1 of the amended statute is not met, and the threshold of the prior statute is not met either.

Subparagraph 4 does not provide the Plaintiff the relief he seeks. *Adams* affirmed a vexatious litigant finding built on a detailed trial court order reciting prior judicial finding of meritless pleadings, baseless motions to disqualify judges, and disobeyed orders. *Adams*, 51 Fla. L. Weekly D1809a, n.3. *Adams* did not hold that a list of dismissed cases is enough. It affirmed a finding that rested on prior judicial findings of misconduct, and it is those findings that this record lacks.

This record contains no order from any court finding that any pleading, motion, or paper filed by Ms. Ferderigos was frivolous, unmeritorious, or filed for delay, and no finding by this Court that she has abused the process in this action. Paragraph 6 of the Motion asserts the statutory language and nothing more. Argument of counsel is not evidence.

As Ms. Ferderigos is not a vexatious litigant under § 68.093, the Court does not reach security under subsection (3) or a prefiling order under subsection (4). The Court also declines to impose sanctions under its inherent authority, which *Adams* reserved for a clear abuse of the judicial process that this record does not show. Ms. Ferderigos's request for fees and costs in her July 16, 2026 Response is not before the Court on a properly served motion and is denied without prejudice.

It is ORDERED AND ADJUDGED that Plaintiffs' *Amended Motion to Declare Leslie Ferderigos a Vexatious Litigant* is DENIED.

DONE AND ORDERED in Orlando, Orange County, Florida, on the date in the electronic signature.



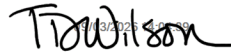
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TANYA DAVIS WILSON
Circuit Judge

CERTIFICATE OF SERVICE

I CERTIFY that the foregoing was filed with the Clerk of the Court on the date set forth in the electronic signature below by using the Florida Courts E-Filing Portal System. Accordingly, a copy of the foregoing is being served on this day to all attorney(s)/interested parties identified on the ePortal Electronic Service List, via transmission of Notices of Electronic Filing generated by the ePortal System.

If there are parties not receiving service through the Florida Courts efiling Portal, counsel will serve a copy of the Order via U.S. Mail to the non-efiling parties and file a certificate of service in the Court file no later than three days from the date of this order.



eSigned by Tanya Wilson 09/03/2026 14:04:39 f+9ozwEH

Judge Wilson

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact ADA Coordinator, Human Resources, Orange County Courthouse, 425 N. Orange Avenue, Suite 510, Orlando, Florida, (407) 836-2303 at least 7 days before your scheduled court appearance, or immediately on receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.