

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-14213
Non-Argument Calendar

DAILANE INVESTMENTS LIMITED,

Plaintiff-Appellee,

versus

H.I.G. CAPITAL, LLC,
SAMI MNAYMNEH,

Defendants-Appellants.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 1:25-cv-20568-RKA

Before JILL PRYOR, LAGOA, and ABUDU, Circuit Judges.

PER CURIAM:

HIG Capital, LLC (“HIG”) and Sami Mnaymneh interlocutorily appeal from the district court’s October 27, 2025, order that (1) denied appellants’ motion to dismiss for lack of subject matter jurisdiction; (2) found that appellants forfeited the opportunity to brief the issue of whether HIG was an indispensable party; and (3) analyzed HIG’s dispensability, found it dispensable, and dropped it as a party. Appellants unsuccessfully sought certification of the order for immediate appeal under Federal Rule of Civil Procedure 54(b).

Appellee Dailane Investments Limited moves to dismiss the appeal for lack of jurisdiction. Appellants respond that we have jurisdiction under the collateral order doctrine, and that our jurisdiction extends only to the district court’s finding that appellants forfeited the opportunity to brief the issue of HIG’s indispensability. Dailane separately moves for sanctions against HIG under Federal Rule of Appellate Procedure 38.

Our jurisdiction generally is limited to final decisions of the district courts. 28 U.S.C. § 1291. An order adjudicating the rights and liabilities of fewer than all the parties is not a final judgment from which an appeal may be taken unless the district court properly certifies it as final under Federal Rule of Civil Procedure 54(b). *Supreme Fuels Trading FZE v. Sargeant*, 689 F.3d 1244, 1246 (11th Cir. 2012).

The collateral order doctrine allows for appeal of a nonfinal order if it conclusively resolves an important issue separate from the merits of the action and is “effectively unreviewable on appeal

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from a final judgment.” *Acheron Cap., Ltd. v. Mukamal*, 22 F.4th 979, 989 (11th Cir. 2022); *see also Fleming v. United States*, 127 F.4th 837, 852 (11th Cir. 2025) (observing that interlocutory appeals under the collateral order doctrine “are not for issues that are merely important; they are for issues that are important, now”). We have “emphasized the narrow, limited, modest and selective scope of the collateral order doctrine.” *Fleming*, 127 F.4th at 843 (quotation marks omitted and alterations accepted).

We lack jurisdiction over this appeal. The appeal is not taken from a final judgment, and the order was not certified under Rule 54(b). *See* 28 U.S.C. § 1291; Fed. R. Civ. P. 54(b); *Sargeant*, 689 F.3d at 1246. Appellants argue that the district court’s forfeiture finding will be effectively unreviewable upon appeal from a final judgment because, if they do not appeal it now, it will become “law of the case.” But we are not bound by a district court’s determination that a party forfeited an issue. *See, e.g., ECB USA, Inc. v. Chubb Ins. Co. of N.J.*, 113 F.4th 1312, 1317-18 (11th Cir. 2024) (“[W]e do not defer to the district court’s conclusion that ECB purportedly waived its New Jersey law arguments when we are assessing waiver for appellate purposes. . . . [W]hether a party has waived an issue for purposes of appeal is a matter that we must assess *de novo*.”). Further, questions of the district court’s subject matter jurisdiction “may be raised at any time.” *Nicklaw v. Citimortgage, Inc.*, 839 F.3d 998, 1001 (11th Cir. 2016). The order is thus not “effectively unreviewable on appeal from a final judgment.” *See Acheron*, 22 F.4th at 989. As such, the collateral order doctrine does not apply.

As to Dailane's motion for sanctions, Rule 38 provides for sanctions upon a determination that an appeal "is frivolous." Fed. R. App. P. 38. While appellants' jurisdictional arguments fail, they do not rise to the level of frivolity. We thus decline to impose sanctions.

Accordingly, Dailane's motion to dismiss this appeal is GRANTED, and the appeal is DISMISSED for lack of jurisdiction. Dailane's motion for sanctions is DENIED.