Florida Appeals Court Decisions: Week of August 16 - 21, 2021

August 21, 2021

ARITON

U.S. Eleventh Circuit Court of Appeals

Johnson v. 27th Ave Caraf - sanctions Germain v. US AG - removal US v. Gonzalez - First Step Act Turner v. Costa Crociere SPA - forum selection clause US v. Watkins - en banc, exclusionary rule Buending v. Redington Bch - takings, First Amendment retaliation Latele TV v. Telemundo - foreign law, appellate jurisdiction Greenberg v. IRS - taxes

Florida Supreme Court - Tallahassee

No decisions this week.

First District Court of Appeal - Tallahassee

Chirinos-Calix v. State - competency Argos USA v. Franklin - open account Dettle v. State - double jeopardy Williams v. State - probation revocation RJ Reynolds v. Coxwell - judicial disqualification Calder Race Course v. SCF - rulemaking challenge, standing KOS v. Panama City Bch - business license, rentals, constitutional challenges Estate of McKenzie v. HI Rise Crane - workers' compensation Arons v. State - pro se sanctions Amison v. State - double jeopardy, restitution Reed v. State - postconviction relief Gay v. Mann - untimely appeal Murkerson v. Murkerson - marital dissolution, timesharing, alimony Malone v. State - postconviction relief Torrey v. Pensacola Police - mandamus, hearing requirement Second District Court of Appeal - Lakeland

Nexlube v. EDA Inv - negligent misrepresentation, damages, additur Larsens Auto v. Haberkorn - vehicle towing, private right of action Davis v. Clark - § 768.79, settlement proposals, small claims cases DLJ v. State - delinquency, fees and costs Arnold v. Arnold Fam P'ship - amended complaint, dismissal hearing on prior complaint Holmes Bch v. Mojito Splash - Bert Harris Act, fees Holmes Bch v. AMI Breeze - Bert Harris Act, fees Barco v. State - postconviction relief Schmidt v. Sabow - guarantee, res judicata, limitations Save-A-Lot v. Tri J Towing - tow company, vehicle sale

Third District Court of Appeal - Miami

Vega v. Safepoint - summary judgment, expert affidavit Ozyesilpinar v. Jalali - injunction, stalking Williams v. Citizens - successive motion to dismiss, waiver Chess v. Sweeney - fraud on the court State Farm v. M&E - summary judgment, reasonableness of charges, striking expert Nembhard v. Universal - summary judgment, waiver, failure to disclose Heritage v. Gateway House - appraisal, inspection of books Lacayo v. Versailles Gardens - ordinance, unlawful immobilization Wimes v. State - postconviction relief

Fourth District Court of Appeal - West Palm Beach

Cabriano v. State - postconviction relief; judicial disqualification Blyth v. Ocwen Loan Serv - foreclosure, standing, attorney's fees Marino Perf v. Zuniga - class action, FDUTPA, arbitration, waiver Mallas v. Mallas - civil theft, sanction, attorney's fees Viera v. Novation Ventures - costs Burke v. Soles - injunction, rehearing, Zoom, excusable neglect Baronowsky v. Maiorano - internet defamation, personal jurisdiction EAC v. State - certified question, juvenile hearing, witnesses via Zoom
Carlos v. Carlos - marital dissolution, service deadline, Rule 1.070(j)
Maisonneuve v. Situs Invest - foreclosure, attorney's fees
Abidoshi v. Abidoshi - motion for relief, non-final order
Geico v. Hallandale Beach Ortho - PIP, reimbursement limits
Certified Priority v. Universal Ins - summary judgment, accord and satisfaction, policy limits
MJ v. DCF - parental rights, termination

Fifth District Court of Appeal - Daytona Beach

Melchione v. Temple - fees, appellate; § 742.045 State v. Sullivan - certiorari, confidential informant, disclosure State v. Wright - suppression, wiretap Auto Injury v. Fla Hosp Med Ctr - certiorari, PIP benefits, limit Webb v. State - sentence, gain time Rodriguez v. State - Spencer warning, pro se

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