

# Florida Appeals Court Decisions: Week of April 22 - 26, 2019

April 27, 2019

## U.S. Eleventh Circuit Court of Appeals

*US v. Pavlenko* - standing

*Fresh Results v. ASF Holland* - forum non conveniens

*Muransky v. Godiva Chocolatier* - class action settlement, FACTA

*Security Walls v. NLRB* - NRLA

*Inprotsa v. Del Monte Intl* - international arbitration

*Hard Candy v. Anastasia Beverly Hills* - trademark, Seventh Amendment

*Sears v. Roberts* - § 1983, summary judgment standard

## Florida Supreme Court - Tallahassee

*Barber v. State* - pro se sanctions

*Citizens of Fla v. Brown* - utility costs, FP&L

*Israel v. DeSantis* - quo warranto, sheriff suspension

## First District Court of Appeal - Tallahassee

*So Baptist Hosp v. AHCA* - rule challenge, Medicaid reimbursements

*Davis v. State* - en banc, sentencing, lack of remorse, certified question

*Milton v. State* - competency

*Tolbert v. State* - criminal restitution

*Wells v. State* - premature appeal

*Fernanders v. State* - severance

*MBC Gospel Net v. Fla News* - promissory note, original

*Levin v. State* - postconviction relief

*Thompson v. State* - postconviction relief

*King v. State* - probation revocation

*Sapp v. State* - sentencing

*Delon v. State* - postconviction relief

*Boyd v. State* - probation violation

*Browner v. Browner* - premature appeal

## Second District Court of Appeal - Lakeland

*Elder v. State* - motion to enforce mandate

*Feaster v. State* - Stand Your Ground, certified conflict

*Old Dominion v. Tipton* - rule 1.442, settlement proposal, neutral evaluation

*RMA v. JAS* - paternity, child support, fees

*Hills Sch Bd v. Woodford* - certiorari, whistle-blower claim, dismissal denial

*Nipper v. Suncoast Credit* - summary judgment standard, collection case

*AD v. DCF* - parental rights, termination

*Bermudez Gomez v. State* - plea withdrawal, trial court jurisdiction

*Dipasquale v. Dipasquale* - marital settlement agreement

*Horton v. State* - Stand Your Ground, certified conflict

*Champagne v. State* - sentencing, certified question

*Mott v. DeSoto Sch Bd* - school expulsion, zero tolerance policy

*Dominguez v. Dominguez* - certiorari, discovery, law firm records

*Hirald v. State* - sentencing

*Crandall v. State* - sentencing

## Third District Court of Appeal - Miami

*OneWest Bank v. Palmero* - en banc, foreclosure, reverse mortgage, condition precedent

*All Seasons CA v. Patrician Hotel* - specific performance, condominium building, agency, statute of frauds

*CEC Ent v. Zaldivar* - closing argument, fundamental error

*Fresnedo v. Porky's Gym* - release

*Estrada v. Estrada* - rule 1.540, void judgment

*Quinoes v. State* - pawnshop ownership verification, stolen property

*Martin v. State* - double jeopardy

*De Diego v. Barrios* - equitable lien, homestead

*Megacenter US v. Goodman Doral* - sales contract, real property

*Safirstein v. DOH* - physician, license revocation

*Northwind Air v. Terra's Garden* - personal jurisdiction

*TM v. State* - evidence, 911 audio

*Clark v. Celebrity Cruises* - forum selection clause

*DD v. State* - probation revocation

*Rodriguez v. State* - closing argument

*Johnson v. State* - pro se sanction

*Epstein v. Brunel* - service of process

*Filomia v. RAAC* - Applegate affirmance

*Miami Dade Col v. del Pino Allen* - certiorari, deposition, apex doctrine

*Stanley v. Ramsay* - pro se sanctions

*Forte v. Miami-Dade Cnty* - second-tier certiorari, historic designation

*Shir Law v. Carnevale* - certiorari, discovery, electronic data

*Torres v. State* - rule 9.141, ineffective assistance, timeliness

## Fourth District Court of Appeal - West Palm Beach

*Estep v. Seidman* - psychologist-patient; litigation privilege

*Carnahan v. Novell* - limine motion; waiver; proffer

*Perera v. Diolife* - oral modification; written contract

*Florez v. Broward Sheriff* - negligence; false arrest

*Florida Inv Grp 100 v. Lafont* - contract interpretation

*Edelman v. Citizens Prop Ins* - summary judgment evidence

*Event Depot v. Frank* - punitive damages; certiorari

*State v. Morris* - auto license frame; s. 316.605(1)

*Bank of NY v. Fla Kalanit 770* - foreclosure; allonge, date

## Fifth District Court of Appeal - Daytona Beach

*Rodriguez v. State* - habeas corpus, pretrial release

*Smith v. Rodriguez* - non-reliance provision, contract; fraud, chapter 475

*Jones v. State* - judicial immunity

*Williams v. State* - postconviction relief

*Shelko v. State* - sentencing, fundamental error

*Shamrock-Shamrock v. Remark* - nonparty, duty to preserve evidence

*Rogers v. State* - probation revocation, written order

*Antinarelli v. State* - probation violation

*Cole v. State* - sentencing

*Dennis v. State* - Spencer warning

*Mann v. State* - belated appeal, certiorari

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