

# Florida Appeals Court Decisions: Week of August 3 - 7, 2020

August 08, 2020

## U.S. Eleventh Circuit Court of Appeals

*Osbourne v. FI DOC* - postconviction relief

*In re Wild* - en banc, vacating *this* CVRA, Epstein decision

*Sellers v. Nationwide* - issue preclusion, federal, Alabama law

*Barritt v. FI DOC* - postconviction relief

*Bryant v. Ford* - postconviction relief, judicial notice

*Mamani v. Bustamante* - TVPA, evidence, hearsay, wrongful death instructions

*Indep Party v. FI Sec of State* - election, ballot access law

*USA v. Knights* - search and seizure

*USA v. Cometa* - competency

## Florida Supreme Court - Tallahassee

No decisions this week.

## First District Court of Appeal - Tallahassee

*Whitfield v. State* - law enforcement interview, evidence

*Samiian v. Johnson* - insurance, bad faith, evidence; settlement proposal

*Wilson v. State* - postconviction relief

*Ferguson v. Inch* - habeas corpus

*Boone v. State* - postconviction relief

*Reed v. DOR* - child support

*Roeder v. DEP* - employment discrimination, complaint, time stamp

*Neptune Bch Rlty v. Neptune Bch* - second-tier certiorari, local zoning

## Second District Court of Appeal - Lakeland

*Constantino v. Genung* - rule 1.540, newly discovered evidence

*Turner v. State* - continuance

*AV v. TLL* - parental responsibility, child attendance at oral argument

*Barrett v. Busser* - stalking injunction

*Deer Brooke HA v. Battles* - summary judgment, waived affirmative defense

*USAA v. Rey* - insurance, UM, causation, directed verdict

## Third District Court of Appeal - Miami

*Hardin v. RJ Reynolds* - *Engle* progeny, punitive damages, causation

*Waldera v. Waldera* - marital dissolution, income calculations

*UBS Fin Servs v. Efron* - accounting, bill of discovery, foreign affiliate

*Pestano v. State* - sexual battery, instances, charge, sentence

*EJD Constr v. Preston* - evidence, summary

*SGIC v. Burger King* - forum non conveniens

*Gutierrez v. Royal Caribbean* - § 57.105(4), premature filing

*Matheson v. Miami* - elections, ballot summary

*Silver Law v. Bates* - attorney's fees

*Bank of Am v. Arevalo* - foreclosure, default, evidence

*Bulter v. State* - hearsay, impeachment

*Espallat v. Security First* - appellate jurisdiction

*World O World v. Patino* - interest, usury

*Fernandez v. Fernandez* - dependent adult, § 57.105, subject matter jurisdiction

*Lightner v. State* - habeas corpus

## Fourth District Court of Appeal - West Palm Beach

*CVP Comm Ctr v. McCormick 105* - attorney's fees; reciprocal

*Pridemore v. State* - *Williams* rule, child victim hearsay

*Schlossberg v. Kaporovsky* - condo deed, trust, bona fide purchaser

*Tavares v. Enoch* - parenting plan, factual error

*Azure-Moore Invest v. Hoyen* - pre-default answer, default judgment

*Market Traders v. Kent* - transfer venue, discovery

*AT&T Serv v. S&S Util* - arbitration, mandatory provision, Texas law

*Leibner v. Seider* - circuit court, concurrent jurisdiction, equity

## Fifth District Court of Appeal - Daytona Beach

*Singh v. Walt Disney* - property appraisal, tax, intangible assets

*Dungarani v. Benoit* - non-binding arbitration, trial de novo

*Allen v. State* - mandate enforcement

*Baruchel v. State* - pro se sanctions

*Quest Diag v. Hall* - certiorari, discovery

*In re GJ* - adoption

*Dorsey v. State* - pro se sanctions

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