

Florida Appeals Court Decisions: Week of July 31 - August 4, 2023

August 05, 2023

U.S. Eleventh Circuit Court of Appeals

Cedant v. USA - Rule 26(a)(2), expert reports, disclosures

Bainbridge v. Fla Div ABT - injunction, Rule 60(a), out-of-state wine

Skanska USA v. Bagelheads - maritime, Limitation Act, spoliation

USA v. Rodriguez - sentencing

Dixon v. Univ of Miami - Covid-19, remote instruction, refund challenge

Sims v. Fla DOC - preservation of error, prison, beard, RLUIPA

Florida Supreme Court - Tallahassee

No decisions this week

First District Court of Appeal - Tallahassee

Smith v. Carlisle Indus - asbestos, exposure, summary judgment

Stephens v. Stephens - excusable neglect, evidentiary hearing

Brennan v. Syfrett, Syfrett - stalking injunction

Parks v. State - sentencing, state attorney cost

Chamberlain v. Degner - notice of trial, unpled relief, due process

Second District Court of Appeal - St. Petersburg

Moore v. Wagner - lease, deposit, enforceable agreement

Dessberg v. Sarasota Harbor - foreclosure, default

Stiwich v. Parsons - insurance, confession of judgment

Third District Court of Appeal - Miami

Andres v. State - competency, preservation, trial continuance

Garcia v. Myrtil - dismissal, indemnification, statute of limitations

Blaise v. State - postconviction relief

Sentient Lasers v. DeMeo - arbitration award, authority

Miami-Dade Cnty v. Guyton - employment termination

Dombrowski v. Blum - leave to amend, complaint

Saffar v. Atias - involuntary dismissal, sanction

Dobal v. Villas - statutory immunity, condominium board members

Inspired Cap v. Howell - lost profits, out of pocket expenses, nominal damages

Tercier v. Univ of Mia - breach of contract, negligent retention, verbatim adoption of order

Manheimer v. FPL - leave to amend, punitive damages

Joseph v. Henry - eviction, standing, preservation

Age of Empire v. Ocean Two - breach of contract, condition precedent

Rivera v. Rivera - equitable distribution, marital v. non-marital assets

Bydalek v. Saenz - purchase agreement, buyer's right to void

Peaceful Paws v. Tarves - writ of garnishment, service of process

Frohlich v. Nat'l Concrete - prohibition, disqualification

Fourth District Court of Appeal - West Palm Beach

Vincent v. State - rape shield statute

It's A New 10 v. Wilson - fraud, statute of limitations

Safeco v. MD Now - insurance, reimbursement

Kearse v. State - sentencing, scoresheet

Scott v. State - trespass, free speech

Amiache v. Island Towers - scope of mandate

Robertson v. Hochstatter - dissolution, interest

Orfanos v. 45 Ocean Condo - special assessments

Clearcare v. Granada Ins - coverage, party

Dieuvil v. Falcon Trace HOA - summary judgment, pending counterclaims

McNaughton v. State - costs

Rhythm & Hues v. Nature's Lawn - implied contract

State v. Velasco - reasonable suspicion

Fifth District Court of Appeal - Daytona Beach

Simpson v. State - attempted murder, felon firearm possession; concurrence, jury size

Clark v. State - Anders appeal, written judgment, correction

Reed v. State - prison credit, probation, community control

Sixth District Court of Appeal - Lakeland

Goddard v. JSJ - jury instructions, evidence

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