

Florida Appeals Court Decisions: Week of May 29 - June 2, 2023

June 03, 2023

U.S. Eleventh Circuit Court of Appeals

King v. Warden, Ga Diagnostic Prison - habeas corpus, postconviction relief

USA v. Ware - *Daubert*, fingerprint analysis; lay identification; flight instruction

Anthony v. Ga DPS - employment, racial discrimination

Positano Place v. Empire Indem - appellate jurisdiction, insurance, appraisal order

S River Watershed v. DeKalb - Clean Water Act, diligent prosecution bar

USA v. Verdeza - healthcare fraud, summary testimony, prior bad acts

Gregory v. Comm'r of Int Rev - taxes, hobby losses

Chewy v. DOL - labor, fine, safety standards, scope

Florida Supreme Court - Tallahassee

Alahad v. State - standard of review, suppressing identification

In re R Reg Fla Bar - amended rules, bar elections

First District Court of Appeal - Tallahassee

KH v. DCF - parental rights termination, failure to prosecute appeal

DS v. DCF - parental rights termination, failure to prosecute appeal

Kostelny v. Bluewater Bay - appellate jurisdiction, timely rule 1.540 motion

Kostelny v. Bluewater Bay - same as above, different appeal

Ortiz v. Winn-Dixie - workers' compensation

Churchill v. DBI Servs - workers' compensation

DN v. Bay Cnty Sch Bd - education, student, disability, discipline

Benson v. State - probation, special conditions

Ross v. State - sentencing

Edenfield v. State - Second Amendment, felon with firearm

Second District Court of Appeal - St. Petersburg

No decisions this week

Third District Court of Appeal - Miami

Grove Harbour v. Grove Bay - contract ambiguity, repudiation, fraud

Tarrau v. State - probation violation, seating arrangement

Rivera v. State - reasonable suspicion, using firearm while under the influence

Poland v. Citizens - untimely appeal, insufficient record

Morton v. Faby - time sharing

City of Mia v. Robinson - sovereign immunity, scope of employment

McCormick Props v. SoMi Homes - temporary injunction, ejection, dedication

Am Auto Ins v. FDH Infrastructure - statute of limitations, § 95.11(3)(c)

B Little v. Choi Wai - personal jurisdiction, waiver, forum non conveniens

Ellison v. Deutsche Bank - summary affirmance

Fourth District Court of Appeal - West Palm Beach

Young v. New Res Inv Co - appellate jurisdiction, pending claims

Wagner v. State - warrantless misdemeanor arrest

Fuentes v. Luxury Outdoor Design - summary judgment, response

Valcarcel v. Valcarcel - dissolution, hearing

Superior Brokerage v. Maduel - personal jurisdiction, waiver

Fifth District Court of Appeal - Daytona Beach

Sayler v. Tower Hill Select Ins - standing, assignment

Duchateau v. Duchateau - settlement agreement, appellate jurisdiction

Wisheart v. Wisheart - settlement agreement, enforcement

Werner Entrs v. Mendez - punitive damages, reasonable showing

Sixth District Court of Appeal - Lakeland

Pelleschi v. Pocci - FUFTA, homestead exemption

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