

# Florida Appeals Court Decisions: Week of September 11 - 15, 2023

September 16, 2023

## U.S. Eleventh Circuit Court of Appeals

*Jones v. USA* - postconviction relief

*Austin v. Glynn Cnty* - sheriffs, 11th Amendment immunity, compensation decisions

*W Va v. US DOT* - Covid-19, Rescue Plan Act challenge, en banc denial

*Jacksonville v. Jax Hospitality Holdings* - Rule 41, voluntary dismissal, stipulation

*Zen Group v. FI AHCA* - Medicaid provider, retaliation, due process, qualified immunity

## Florida Supreme Court - Tallahassee

No decisions this week.

## First District Court of Appeal - Tallahassee

*Snyder v. State* - similar fact evidence

*KJ v. DCF* - parental rights appeal, failure to prosecute

*Ellis v. State* - sentencing

*Martinez v. State* - habeas corpus

*Stuart v. Lapete* - paternity, temporary support

## Second District Court of Appeal - St. Petersburg

*Saterbo v. State Farm* - insurance, bad faith, proposed settlement

*Garner v. State* - sentencing, Eighth Amendment

*Bric McMann v. Regatta Bch Club* - punitive damages amendment

*Allaire v. Allaire* - alimony, modification

*State v. Downs* - sitting for 5DCA, postconviction relief

*McDougald Fam v. Rays Baseball* - arbitration

*Pirman v. South Pointe* - homeowners association, contract breach

## Third District Court of Appeal - Miami

*Peebles v. GrassMasters* - unjust enrichment, express contract

*People's Tr v. Banks* - clarification, policy interpretation, act of nature

*City of Mia v. Marcos* - default, *Kozel* factors

*Boksa v. Hogan* - insufficient initial brief, insufficient record

*Serrano v. Epstein* - summary judgment, due process

*TheDigital.Support v. Smarketing* - insufficient record

*Send Enters v. Set Drive* - unauthorized motion, untimely appeal

*Deblois v. Dominguez* - substitution of party, appellate jurisdiction, certiorari

*DNP Consulting v. MDPD* - certiorari, irreparable harm

## Fourth District Court of Appeal - West Palm Beach

*Chiquita v. Port Everglades* - unjust enrichment; benefit

*RJR v. Spurlock* - *Engle* progeny, punitive damages

*Seminole Tribe v. Webster* - sovereign immunity, real party in interest

*Haratz v. Dental Team* - condition precedent, waiver, pleading

*Day v. Lawyers' Reporting* - personal jurisdiction, appellate jurisdiction

## Fifth District Court of Appeal - Daytona Beach

*Housman v. Housman* - guardianship, asset freeze, ex parte order

*State v. Downs* - postconviction relief

*The Cape v. Och-Ziff* - dismissal, amendment

*Richardson v. State* - special concurrence, postconviction relief

*Kuthiala v. Goldman* - offer of judgment, attorney's fees

*McCullough v. State* - *Anders* appeal, cost

*In re Jane Doe* - abortion, minor, consent of guardian, judicial waiver

*TA v. DCF* - concession of error, parental rights

## Sixth District Court of Appeal - Lakeland

*CPPB v. Taurus Apopka City Ctr* - lis pendens, irreparable harm

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