

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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