

# Florida Appeals Court Decisions: Week of March 18 - 22, 2019

March 23, 2019

## U.S. Eleventh Circuit Court of Appeals

*MSPA Claims 1 v. Tenet Fla* - Medicare

*Ala DOC v. Advance Local Media* - intervention, right of access

*US v. St. Hubert* - en banc

*Orion Marine Const v. Carroll* - admiralty

*Ga Muslim Voter Proj v. Kemp* - stay pending appeal

*Lewis v. City of Union City* - equal protection, comparators

## Florida Supreme Court - Tallahassee

No decisions this week

## First District Court of Appeal - Tallahassee

*Managed Care v. Fla Healthy Kids* - public records, trade secrets

*Meehan v. Orange Cnty Data* - workers' compensation

*Steel v. State* - postconviction relief

*MV Senior Mgmt v. Redus* - premature appeal

*Wannall v. Gadsden Cnty EMS* - prisoner, zone of risk

*Kanter Real Estate v. DEP* - oil, gas permits, administrative review

*Flanagan v. State* - criminal fines, costs, payment plan

*Day v. State* - postconviction relief

*FCCI v. Pulte Home* - premature appeal, provisional fee award

## Second District Court of Appeal - Lakeland

*Bailey v. State* - sentencing

*Pearson v. Pearson* - equitable distribution

*Topalli v. Feliciano* - conditional continuance, fees

*JDP v. State* - delinquency

*Williams v. State* - witness tampering

*Trice v. Trice* - domestic violence injunction

*Deschamps v. Smith* - contempt

*Gomillion v. State* - certiorari, discovery, toxicology

## Third District Court of Appeal - Miami

*Helfrich v. State* - peremptory challenge

*Clarke-Morales v. Coca-Cola* - costs following dismissal

*Kendall Healthcare v. Madrigal* - adopting proposed order; interest

*Howard v. State* - petit theft

*Ruiz v. State* - voir dire

*Rierson v. Deveau* - closing argument

*Philip Morris v. Gloger* - diagnosis through lay witness

*Dray v. Duffner Shendell* - trust, rescission

## Fourth District Court of Appeal - West Palm Beach

*Arch Ins Co v. Kubicki Draper* - standing, certified question

*Brooks v. State* - ID evidence, acquittal

*Ayos v. State* - preservation, costs

*Cruz v. Wal-Mart* - summary judgment, burden

*Rizack v. Signature Bank* - personal jurisdiction, discovery

*Dedominicis v. State* - age, evidence

*Salomon v. State* - jury instruction, fundamental error; bolstering

*Urribari v. 52 SW 5th Ct* - judgment on the pleadings, four corners

*MTGLQ Investors v. Davis* - condition precedent, foreclosure

*KO v. State* - false name, resisting arrest

*NA v. DCF* - placement, jurisdiction

## Fifth District Court of Appeal - Daytona Beach

*HHA Borrower v. WG Yates* - attorney's fees, prevailing party

*Crawford v. Fannie Mae* - foreclosure, subrogation, lien  
*Jones v. State* - severed charge, collateral estoppel  
*State v. Phillips* - certified question, Fourth Amendment  
*Carroll v. State* - withdraw plea, appeal, jurisdiction  
*Ellis v. Allen* - child support, noncovered medical expenses  
*Negron v. State* - criminal, investigative costs  
*Kelly v. State* - scrivener's error  
*Horvatt v. State* - criminal, property seizure, timeliness  
*Torres v. State* - community control, written order  
*Seaman v. Seaman* - indirect civil contempt  
*Dhanraj v. Garcia* - certified question, certiorari, attorney financial relationship  
*Keene v. State* - postconviction relief  
*Horvatt v. State* - *Spencer* bar, pro se  
*Span v. State* - postconviction relief, *Spencer* warning

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