

# Florida Appeals Court Decisions: Week of August 31 - September 4, 2020

September 04, 2020

## U.S. Eleventh Circuit Court of Appeals

*Santiago v. Raytheon* - PAA, FL limitations, CERCLA tolling

*Hoffer v. FI DOC* - deliberate indifference, HCV treatment

*McKenny v. USA* - tax, settlement

*Berisha v. Lawson* - defamation, public figure, atty client priv

*Jacobson v. FI SOS* - vacating *this* decision; election; standing; political question

*Cantu v. Cty Dothan Ala* - excessive force, qualified immunity, state agent

*MSPA v. Liberty Mutual* - Medicare Secondary Payer Act

*MSP v. Travelers* - Medicare Secondary Payer Act

*MSP v. Auto-Owners* - Medicare Secondary Payer Act

## Florida Supreme Court - Tallahassee

*In re R Reg Fla Bar* - amended rules

*In re Fla Prob R* - amended rules

*In re Bar Admissions* - state bar exam, COVID-19

*Dillbeck v. State* - capital case, postconviction relief

## First District Court of Appeal - Tallahassee

*Varn v. State* - certiorari, cellphone passcode; certified conflict, question

*Daniels v. DOH* - nursing home admin, license suspension

*Cameron v. DOH* - nursing home admin, license suspension

*Harrison v. Walsh* - habeas corpus

*SC v. DCF* - parental rights, termination

*21st Mort v. TSE Plantation* - foreclosure, bankruptcy, unclean hands

*Causey v. State* - driving, suspended license, knowledge

*In re Esser* - name change

*Harden v. State* - sentencing

*Price v. State* - sentencing

*Watford v. State* - sentencing

## Second District Court of Appeal - Lakeland

*Greene v. Twistee Treat* - premises liability, obvious danger

*ECT v. State* - delinquency

*Waters v. State* - probation modification

*Bracero v. State* - community control revocation

*White v. Ft Myers* - contract breach, mistake, misrepresentation, proposed orders

*Fortune v. First Protective* - insurance, civil remedy notice, appraisal

*Woodbury v. State* - postconviction relief

*Waters v. State* - scrivener's error

*Lamore v. State* - postconviction relief

## Third District Court of Appeal - Miami

*Island Travel v. MYR Indep* - § 772.11, civil theft, attorney's fees

*Ives v. Gettinger* - amendment, implied statutory claim

*Lupetto v. South Bay Devel* - specific performance; real estate sale

*Harris v. Harris* - attorney's fees, personal representative

*Johnny's Pool v. Foreverpools* - personal jurisdiction, minimum contacts

*Nat Med Imaging v. Lyon Fin* - stay, bankruptcy

*Truist Bank v. De Posada* - garnishment, face of order, appellate jurisdiction

*Magarino v. Bank of NY Mellon* - judicial disqualification

## Fourth District Court of Appeal - West Palm Beach

*Tumblin v. State* - sequestration, victim of crime

*Brinson v. State* - sentencing, public defender's fee

## Fifth District Court of Appeal - Daytona Beach

*Ciotti v. Ciotti* - rehearing en banc; unliquidated damages  
*Goins v. Praetorian Ins* - insurance, third-party beneficiary  
*Tordini v. Tordini* - dissolution, permanent alimony, fees  
*UCF v. Boston Culinary* - administrative, substantial evidence, fees  
*DIK v. State* - investigative costs  
*Landmark v. Anchor Ins* - certified question; homestead, insurance benefits, assignment  
*Darby v. State* - *Spencer* warning, pro se  
*Murphy v. Hutchens* - paternity, magistrate report, exceptions  
*Chancey v. Young* - foreclosure; trial setting, at issue  
*Dean v. State* - prohibition, § 812.014  
*Webb v. State* - sentence

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