

# Florida Appeals Court Decisions: Week of April 5 - 9, 2021

April 10, 2021

## U.S. Eleventh Circuit Court of Appeals

*Hoever v. Marks* - en banc, punitive damages, First Amendment retaliation

*Birmingham Ministries v. Sec'y State, Ala* - voting rights

*Hearn v. Comcast* - arbitration

*Hardigree v. Lofton* - summary judgment

*Bailey v. Metro Ambulance* - Title VII

*Ramji v. Hospital Housekeeping* - FMLA

*Peer v. Liberty Life Assurance* - ERISA, attorney fees

*Aspilaire v. AG* - removal, aggravated felony

*Martinez v. AG* - asylum

*Gil v. Winn-Dixie* - ADA, websites

*US v. Elysee* - hearsay, evidence admissibility, plain error

*Circuitronix v. Shenzhen* - tolling, directed verdict

*Parker v. US* - 2255, criminal predicate

## Florida Supreme Court - Tallahassee

*Earl v. State* - illegal sentence

*State v. Gabriel* - sentencing

*In re Fla R Civ P* - amended rules, service without filing

*In re Fla R Civ P 1.650* - amended rule, medical presuit

*In re Fla R Civ P 1.260* - amended rule, death statement

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

## First District Court of Appeal - Tallahassee

*DECA v. Beckett* - workers' compensation

*Sanders v. State - Miranda*, murder evidence, sentencing  
*Johnson v. State* - preservation of error  
*Mims v. State* - preliminary ruling, necessity of proffer  
*Summers v. Williams* - habeas corpus  
*Whitworth v. State* - pro se with counsel  
*Peterson v. State* - postconviction relief  
*Carter v. Lawson* - mandamus, judicial default  
*Clark v. State* - DUI manslaughter, evidence, sentencing  
*PBA v. Tallahassee* - Marsy's Law, law enforcement  
*Riley v. State* - habeas corpus  
*Rodriguez v. Inch* - habeas corpus  
*DeSantis v. Weston* - firearms, statutory preemption  
*Cavalry Portfolio v. Hodges* - certiorari, litigation immunity  
*Kendrick v. Glover* - domestic violence injunction  
*Ortega v. Wood* - marital dissolution, equitable distribution, income  
*Owens v. Owens* - cross-examination preclusion  
*Powell v. Evanson* - contempt, imprecise order  
*Araguel v. Bryan* - mootness, expired protective order  
*Collins v. State* - pro se sanctions  
*Cain v. State* - pro se sanctions  
*Bouie v. State* - mandamus, futile or impossible act  
*Ward v. Franklin Cnty Jail* - pro se with counsel

## Second District Court of Appeal - Lakeland

*Clampitt v. Wick* - proceedings supplementary  
*Adnujar-Ruiz v. State* - misdemeanor jurisdiction  
*Adamson v. Main St Oaks* - foreclosure, damages, evidence  
*Frost v. Wilson* - dating violence injunction  
*Baird v. Mason Classical Acad* - certiorari, anti-SLAPP  
*Ortiz v. Ortiz* - equitable distribution, child support, fees  
*Getts v. State* - vehicular homicide, nonparty intoxication evidence  
*Tribble v. LO-B* - § 57.105, findings  
*Touhton v. Woodside Credit* - declaratory judgment, auto title  
*Wish v. Lee Cnty* - Bert Harris Act claim, certified question  
*People's Trust v. Island Roofing* - certiorari, improper substitution  
*Webb Roofing v. FedNat Ins* - insurance appraisal  
*White v. Boire* - certiorari, punitive damages amendment  
*State v. Crecy* - juvenile sentencing

## Third District Court of Appeal - Miami

*Sierra Auto v. Granada* - summary judgment, duty to defend  
*Apesteguy v. Keglevich* - marriage dissolution  
*Bailey v. Covington* - civil theft, fraud, monies had and received  
*Rogers v. State* - probation revocation  
*Mejia v. Egleston* - complaint dismissal with prejudice  
*American Franchise v. Gastone* - certiorari, partial summary judgment, immediate execution  
*Simpson v. 2699 Industrial* - COVID-19, court registry access  
*Vazquez v. Smith* - request to stay or recall mandate  
*Couto v. People's Trust* - appellate jurisdiction

## Fourth District Court of Appeal - West Palm Beach

*Adv Diag Group v. Ocean Harbor Cas Ins* - venue  
*Barrios v. State* - spoliation, self-defense  
*MTGLQ Investors v. Leones* - foreclosure, modification  
*Fla Holding 4800 v. Lauderhill Mall* - purchase agreement, as is  
*Woliner v. Dept Health* - public records, costs  
*People's Trust Ins v. Farinato* - attorney's fees, necessary catalyst  
*Sharkey v. Hallandale Beach PD* - mental anguish  
*HE v. DCF* - protective supervision  
*Debernardo v. Villa Nova HOA* - attorney's fees, findings

## Fifth District Court of Appeal - Daytona Beach

*Carmack v. Carmack* - indirect civil contempt; retroactive child support  
*McIntosh Fish Camp v. Colwell* - summary judgment, fraud  
*Harding v. State* - no contest plea, guilt  
*Donovan v. State* - *Spencer* bar, pro se  
*Varnadore v. State* - *Anders* appeal, costs  
*Hicks v. State* - *Spencer* bar, pro se  
*Barnes v. State* - *Spencer* warning, pro se  
*Golub v. Golub* - certiorari, prohibition; dissolution, bifurcation

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