

# Florida Appeals Court Decisions: Week of August 16 - 21, 2021

August 21, 2021

## U.S. Eleventh Circuit Court of Appeals

*Johnson v. 27th Ave Caraf* - sanctions

*Germain v. US AG* - removal

*US v. Gonzalez* - First Step Act

*Turner v. Costa Crociere SPA* - forum selection clause

*US v. Watkins* - en banc, exclusionary rule

*Buending v. Redington Bch* - takings, First Amendment retaliation

*Latele TV v. Telemundo* - foreign law, appellate jurisdiction

*Greenberg v. IRS* - taxes

## Florida Supreme Court - Tallahassee

No decisions this week.

## First District Court of Appeal - Tallahassee

*Chirinos-Calix v. State* - competency

*Argos USA v. Franklin* - open account

*Dettle v. State* - double jeopardy

*Williams v. State* - probation revocation

*RJ Reynolds v. Coxwell* - judicial disqualification

*Calder Race Course v. SCF* - rulemaking challenge, standing

*KOS v. Panama City Bch* - business license, rentals, constitutional challenges

*Estate of McKenzie v. HI Rise Crane* - workers' compensation

*Arons v. State* - pro se sanctions

*Amison v. State* - double jeopardy, restitution

*Reed v. State* - postconviction relief

*Gay v. Mann* - untimely appeal

*Murkerson v. Murkerson* - marital dissolution, timesharing, alimony

*Malone v. State* - postconviction relief

*Torrey v. Pensacola Police* - mandamus, hearing requirement

## Second District Court of Appeal - Lakeland

*Nexlube v. EDA Inv* - negligent misrepresentation, damages, additur

*Larsens Auto v. Haberkorn* - vehicle towing, private right of action

*Davis v. Clark* - § 768.79, settlement proposals, small claims cases

*DLJ v. State* - delinquency, fees and costs

*Arnold v. Arnold Fam P'ship* - amended complaint, dismissal hearing on prior complaint

*Holmes Bch v. Mojito Splash* - Bert Harris Act, fees

*Holmes Bch v. AMI Breeze* - Bert Harris Act, fees

*Barco v. State* - postconviction relief

*Schmidt v. Sabow* - guarantee, res judicata, limitations

*Save-A-Lot v. Tri J Towing* - tow company, vehicle sale

## Third District Court of Appeal - Miami

*Vega v. Safepoint* - summary judgment, expert affidavit

*Ozyesilpinar v. Jalali* - injunction, stalking

*Williams v. Citizens* - successive motion to dismiss, waiver

*Chess v. Sweeney* - fraud on the court

*State Farm v. M&E* - summary judgment, reasonableness of charges, striking expert

*Nembhard v. Universal* - summary judgment, waiver, failure to disclose

*Heritage v. Gateway House* - appraisal, inspection of books

*Lacayo v. Versailles Gardens* - ordinance, unlawful immobilization

*Wimes v. State* - postconviction relief

## Fourth District Court of Appeal - West Palm Beach

*Cabriano v. State* - postconviction relief; judicial disqualification

*Blyth v. Ocwen Loan Serv* - foreclosure, standing, attorney's fees

*Marino Perf v. Zuniga* - class action, FDUTPA, arbitration, waiver

*Mallas v. Mallas* - civil theft, sanction, attorney's fees

*Viera v. Novation Ventures* - costs

*Burke v. Soles* - injunction, rehearing, Zoom, excusable neglect

*Baronowsky v. Maiorano* - internet defamation, personal jurisdiction

*EAC v. State* - certified question, juvenile hearing, witnesses via Zoom

*Carlos v. Carlos* - marital dissolution, service deadline, Rule 1.070(j)

*Maisonneuve v. Situs Invest* - foreclosure, attorney's fees

*Abidoshi v. Abidoshi* - motion for relief, non-final order

*Geico v. Hallandale Beach Ortho* - PIP, reimbursement limits

*Certified Priority v. Universal Ins* - summary judgment, accord and satisfaction, policy limits

*MJ v. DCF* - parental rights, termination

# Fifth District Court of Appeal - Daytona Beach

*Melchione v. Temple* - fees, appellate; § 742.045

*State v. Sullivan* - certiorari, confidential informant, disclosure

*State v. Wright* - suppression, wiretap

*Auto Injury v. Fla Hosp Med Ctr* - certiorari, PIP benefits, limit

*Webb v. State* - sentence, gain time

*Rodriguez v. State* - *Spencer* warning, pro se

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