

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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