

# Florida Appeals Court Decisions: Week of February 1 - 5, 2021

February 06, 2021

## U.S. Eleventh Circuit Court of Appeals

*Cherry v. Dometic Corp* - class certification, administrative feasibility

*Pincus v. ATS* - traffic ticket, certifying questions to Fla Sup Ct

*USA v. Cannon* - criminal, discovery, indictment, entrapment

*Barmapov v. Amuial* - shotgun pleading

*Tsao v. PDQ* - data breach, standing, concrete injury

*Ruiz v. Officer* - notice of appeal tolling, evidence, improper comments, mistrial

*USA v. Morales* - search and seizure

*Armstrong v. USA* - postconviction relief

## Florida Supreme Court - Tallahassee

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

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

## First District Court of Appeal - Tallahassee

*Hester v. State* - pro se sanctions

*Boldridge v. State* - Confrontation Clause

*Hartfield v. State* - postconviction relief

## Second District Court of Appeal - Lakeland

*Peterson v. Peterson* - equitable distribution

*US Bank v. Dick* - foreclosure, standing

*Shaffer v. Deutsche Bank* - costs, appeal before ruling

*Gulfcoast Spine v. Walker* - certiorari, discovery, trade secrets  
*Hunter v. Catalano* - homeowners association, presuit mediation  
*Livingston v. State* - criminal restitution, fees, *Rowe* findings  
*LIV I v. Brown* - certiorari, judgment creditor, intervention

## Third District Court of Appeal - Miami

*Bates v. Bates* - prenuptial agreement, validity  
*Hendel v. Internet Escrow* - forum selection clause  
*Martinez-Rivero v. State* - antishoplifting countermeasures  
*Hannibal v. Navarro* - probate, will, undue influence  
*Weiss v. Weiss* - close case order, unresolved claims  
*People's Trust v. Gonzalez* - certiorari, payment before final judgment  
*Am Prime Title v. Wang* - certiorari, discovery, settlement agreements  
*Shimon v. RB* - certiorari, discovery, Fifth Amendment  
*Ottawa Props v. US Bank* - service of process  
*Brown v. State* - postconviction relief  
*Vazquez v. Smith* - prohibition, judicial disqualification

## Fourth District Court of Appeal - West Palm Beach

*FH Paschen v. B&B Site* - subcontract, scope; implied contract  
*Boca Center v. Boca Raton* - Bert Harris Act, comprehensive plan  
*Levine v. State* - indirect criminal contempt, essential facts  
*RJ Reynolds v. McClain* - prohibition; judicial disqualification

## Fifth District Court of Appeal - Daytona Beach

*Luebbert v. Adventist Health* - summary judgment, vicarious liability  
*Bova v. State* - murder; self-representation, capacity  
*Manago v. State* - certified conflict, resentencing  
*Yarger v. Convergence Aviation* - personal jurisdiction, long-arm statute  
*Wallace v. DCF* - administrative appeal, Medicaid benefits, abandonment  
*Robinson v. State* - *Spencer* warning, pro se

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