

# Florida Appeals Court Decisions: Week of January 25 - 29, 2021

January 30, 2021

## U.S. Eleventh Circuit Court of Appeals

*NMA v. US DOL* - MSHA rule

*Emory University v. Neurocare* - indemnity

*Garcia v. USA* - vacating *this* and holding in abeyance

*AC-USA v. Silikal* - personal jurisdiction, trade secret, misappropriation

## Florida Supreme Court - Tallahassee

*Fla Bar v. Phoenix* - attorney discipline

*Casiano v. State* - mootness, sentencing

*In re Fla R Jud Admin* - rules committees, procedures

*In re Fla R Jud Admin* - standard jury instructions, procedures

## First District Court of Appeal - Tallahassee

*Hunt v. State* - bump-fire stock ban, constitutional challenges

*Hathaway v. State* - evidence, murder, burglary, kidnapping, robbery

*Schmidt v. State* - statutory interpretation, probation

*Rodarte v. State* - prohibition, Stand Your Ground

*Powell v. State* - evidence, intent

*MTGLQ Inv v. Merrill* - foreclosure, return of original note, mortgage

*Moultrie v. State* - sentencing

*Himes v. State* - postconviction relief

*Gilligan Gooding v. Condor Aerial* - § 57.105

*Wilson v. Jacks* - vicarious liability, pleading

*Grantham v. State* - postconviction relief

*Rice v. State* - pro se while represented

## Second District Court of Appeal - Lakeland

*Everett v. Avatar P&C* - coverage, summary judgment, deficient affidavit

*Kerkhoff v. Estate of Brown* - probate, fees, rules 1.420 & 5.080

*Peters v. State* - sentencing

*Brown v. State* - search and seizure

*Country Walk HA v. Rader* - appellate jurisdiction

*Taneja v. Downtown St Pete* - unpled relief

## Third District Court of Appeal - Miami

*Dayes v. Werner Ent* - expert testimony, conduit for hearsay

*Dixon v. DACS* - licensing, informal hearing request

*Santos v. Miami* - confession of error

*Mantilla v. DOR* - confession of error, imputed income

*Ace Funding v. A1 Transp* - default judgment, vacatur

*EH v. DCF* - dependency

## Fourth District Court of Appeal - West Palm Beach

*Ritacco v. Ritacco* - dissolution, alimony

*Tindall v. State* - mental state, expert evidence

*Pash v. Mahogany Way HOA* - lien, unpaid assessments

*Aquarius Condo Assn v. Goldberg* - arbitration, injunction, jurisdiction

*Bailey v. Bailey* - intervention, dissolution

*Reconco v. Integon Natl Ins Co* - standing, third-party beneficiary

*BA v. DCF* - termination parental rights

*Machovec v. Palm Beach* - mask mandate, injunction

## Fifth District Court of Appeal - Daytona Beach

*Maisonet v. State* - remand, postconviction relief

*Boswell v. State* - probation, abbreviated hearing, conceded error

*Allen v. State* - *Spencer* bar, pro se

*Buechel v. Shim* - proceedings supplementary, foreign property; certified conflict

[\*State v. Decker\*](#) - postconviction relief  
[\*McKiver v. State\*](#) - postconviction relief  
[\*Wiker v. State\*](#) - sentence

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