

# Florida Appeals Court Decisions: Week of June 7 - 11, 2021

June 11, 2021

## U.S. Eleventh Circuit Court of Appeals

*USA v. Montenegro* - sentencing

*Simon v. Soc Sec Comm'r* - disability benefits, findings

*Shivers v. USA* - FTCA, prisoner claims

*Burns v. Palm Bch* - First Amendment, architectural review

*Daker v. Ward* - PLRA, pro se sanctions

## Florida Supreme Court - Tallahassee

*Peoples Gas v. Posen Constr* - implied cause of action, excavation statute

*Kartsonis v. State* - conflict analysis, distinguishable cases

*In re Fla R Crim P* - amended rules

*In re Fam L Forms* - amended forms

## First District Court of Appeal - Tallahassee

*Green v. Alachua Cnty* - mask mandate, privacy right, certified conflict

*Lucas v. State* - triple concurrences, dubitante concurrence

*Russell v. Hydro Assocs* - arbitration

*Cowan v. State* - postconviction relief

*DACS v. Henry & Rilla White* - school lunch program, payment recoupment

*Giles v. Portfolio Recov* - nonreciprocal fee provision, South Dakota law

*Washington v. State* - sentencing

*Shaw v. State* - Jimmy Ryce, jury instructions

## Second District Court of Appeal - Lakeland

*Cabrera-Toledo v. State* - sentencing

*Gilbert v. State* - evidence, Facebook screenshots, journal, closing argument

*Ellison v. Willoughby* - setoff, uninsured motorist settlement, certified question

*Lizardi v. Fed Nat'l Ins* - fees, prejudgment interest, findings

*SS v. State* - trespass, evidence

*Nasrallah v. State* - competency

*Gomez v. State* - community control revocation

*Surgery Ctr v. Guirguis* - employment, restrictive covenants

*Cohen v. Carolyn* - mootness

*Springer v. Springer* - dissolution, unauthorized modification

*Amiri v. McGreal* - landlord tenant, rent, eviction, res judicata

*Cosentino v. Sarasota Cnty* - local resolution, notice, publication

*Blattner v. State* - postconviction relief

*CH v. NK* - adoption, standing

*Majab Dev v. Petro Welt* - certiorari, corporate representative deposition

*Bender v. Hornback* - foreign judgment, domestication

## Third District Court of Appeal - Miami

*Volynsky v. Park Tree* - foreclosure, post-bid objections

*24 Hr Air Serv v. Hosanna* - breach, service agreement, damages

## Fourth District Court of Appeal - West Palm Beach

*Lowery v. McBee* - libel, venue

*Gardi v. Gardi* - marital dissolution, alimony

*Wrapapan v. Girard* - personal jurisdiction

*Icon v. State* - sentencing

*VS v. DCF* - parental rights, termination

*JO v. DCF* - parental rights, termination

*Digiacomio v. Kogan & Disalvo* - costs

## Fifth District Court of Appeal - Daytona Beach

*Woods v. State* - withdraw plea, conceded error

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

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