

# Florida Appeals Court Decisions: Week of May 24 - 28, 2021

May 29, 2021

## U.S. Eleventh Circuit Court of Appeals

*US v. Estepa* - wire fraud, intent

*Todd v. Fayette Cty School Dist* - ADA

*Malkin v. Wells Fargo* - certified question to Delaware Supreme Court, insurance policies

*US v. Cook* - compassionate release, judicial review

*US v. Roberson* - official acts, bribery

*Kennedy v. Floridian Hotel* - ADA

*US v. Cody* - certificate of appealability

*Absolute Activists Fund v. Devine* - collateral, continuing jurisdiction, dissent

## Florida Supreme Court - Tallahassee

*DOH v. Florigrown* - medical marijuana, licenses, injunction

*Fla Bar v. Aven* - attorney discipline

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

## First District Court of Appeal - Tallahassee

*Synot Constr v. Page* - prohibition

*Simpkins v. State* - habeas corpus

*Lombardi v. State* - habeas corpus, pro se sanctions

*Thurman v. Davis* - lack of transcript; fees, § 66.021

*Premier Behavioral v. Magellan* - health care payment dispute resolution, § 408.7057

*Holton v. State* - sentencing, probation revocation

*Rhodes v. 2140 Commonwealth* - mandamus, mootness

*Williams v. Inch* - pro se sanctions

## Second District Court of Appeal - Lakeland

*Zurich v. Samson* - workers' compensation

*Brody Trust v. Brody* - accord and satisfaction

*Ouimette v. Ouimette* - equitable distribution

*Peterson v. Ibrahim* - employment, course and scope

*Decker v. Munson* - stalking injunction

*Howard v. State* - postconviction relief

*Jackman v. Cebrink-Swartz* - intrusion upon seclusion, camera, certified question

*DCF v. Musa* - certiorari, involuntary commitment

*Wilmington Sav v. Morroni* - foreclosure, original documents, return

*USF v. Rowsey* - settlement agreement, interpretation

*Howard v. State* - sentencing, deviation from mandate, finality

*Mack v. Univ P&C* - Condominium Act, attorney's fees

*Mortellaro v. Caribe Health* - settlement agreement, interpretation

## Third District Court of Appeal - Miami

*Drexel Avenue v. Dalton* - eviction

## Fourth District Court of Appeal - West Palm Beach

*Sanders v. Sanders* - marital dissolution

*State v. Tavenese* - investigative subpoena, DUI

*Empire Pro Resto v. Citizens* - insurance, "all-risk" policy

*Waters v. Wilmington Trust* - foreclosure, attorney's fees

*Jones v. State* - hearsay, excited utterance; other crimes, murder

*Baptiste v. Bank of Am* - ecclesiastical abstention

*Land & Sea Petroleum v. Leavitt* - nominal damages, waiver

*Five Solas v. Ram Realty* - insurance, replacement cost, lost rent

*Bartolone v. State* - narcotics, joint constructive possession

*Raines v. State* - sentencing

*State Farm v. Stand up MRI* - PIP, reimbursement calculation

*Brown v. Omega* - insurance, assignment of benefits, standing

*State Farm v. Pan Am Diag* - PIP, reimbursement limitation

*Progressive v. Broward Ins* - insurance, appraisal, prohibitive cost

[Colebrook v. State](#) - battery, closing argument, costs

# Fifth District Court of Appeal - Daytona Beach

[Gonzalez v. State](#) - sentence

[Smith v. Smith](#) - dissolution, alimony

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