

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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