

# Florida Appeals Court Decisions: Week of January 31 - February 4, 2022

February 05, 2022

## U.S. Eleventh Circuit Court of Appeals

*US v. Hardwick* - restitution, ex post facto, sentencing

*Cavalieri v. Avior Airlines* - preemption, diversity, CAFA

*Jackson Nat'l Life Ins v. Crum* - certified question (Ga. Supreme Ct.), illegal wagering life insurance contract

*TR v. Lamar Cty Bd of Ed* - qualified immunity, search, invasion of privacy, outrage

*Southern Coal v. Drummond Coal Sales* - price escalation clauses, attorney fees, contract breach, concurrence

## Florida Supreme Court - Tallahassee

*Bell v. State* - capital case, direct appeal

*Pincus v. Am Traffic Sol* - red light cameras, unjust enrichment

*In re Fla R Juv P* - amended rules

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

## First District Court of Appeal - Tallahassee

*Mastandrea v. Snow* - defamation, actual malice

*Bilus v. State* - postconviction relief

*Lowitz v. S Ala Brick* - certiorari, mental health records

*Baltodano v. Baltodano* - appellate jurisdiction, nonfinal order, rehearing

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

## Second District Court of Appeal - Lakeland

*KT v. State* - criminal restitution

*DL v. DCF* - parental rights, termination

*Santos v. Bartoletta* - dating violence injunction

*Moret v. State* - scrivener's error, sentencing

## Third District Court of Appeal - Miami

*RJ Reynolds v. Gloger* - Engle progeny, jury selection, expert cross-exam

*Allstate v. Bank of Am* - service of process, waiver of challenge

*Apollo v. BNP* - proceedings supplementary, personal jurisdiction, *Ocean's Eleven*-like

*RAV Bahamas v. Marlin Three* - pure bill of discovery

*Ortiz v. Ortiz* - equitable distribution, alimony

*VT v. Liberty Dental* - Medicaid, fair hearing

*Santiexposito v. State* - postconviction relief

*Handte v. Monroe Cnty* - second-tier certiorari, land use, vacation rentals

*Manetta v. State* - postconviction relief

*Penalver v. State* - certiorari, Stand Your Ground

*Tower Imaging v. State Farm* - forum non conveniens, confession of error

*Penrod v. Aleman* - certiorari, trial court stay

*Song v. State* - prohibition, judicial disqualification

## Fourth District Court of Appeal - West Palm Beach

*Love v. State* - grand theft, restitution

*Sanders v. State* - rehearing; sentencing

*NYC Const v. Jerome* - rule 1.540(b), excusable neglect

*Schulte v. Bank of NY Mellon* - service of process, waiver

*Broward v. Manarite* - sovereign immunity, rule 9.130

*AR v. DCF* - parental rights, termination

## Fifth District Court of Appeal - Daytona Beach

*Brevard Clerk v. Brevard Bd of Cnty Commrs* - declaratory relief; tax revenues, ad valorem

*Trident Asset Mgmt v. 2050 Condotel* - foreclosure; safe harbor, § 718.116(1)(b)

*Dalton v. State* - probation violation, sentence

*Graham v. Graham* - dismissal, jurisdiction

*Maleckar v. State* - battery; *Anders*, cost

*Utile v. State* - *Spencer* warning, pro se

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