

# Florida Appeals Court Decisions: Week of December 11 - 15, 2023

December 15, 2023

## U.S. Eleventh Circuit Court of Appeals

*Consumers' Research v. FCC* - Telecommunications Act, nondelegation doctrine

*USA v. McCoy* - First Step Act, sentencing

*Lapham v. Walgreen* - FMLA, Florida Whistleblowers Act, retaliation

*USA v. Kincherlow* - coercing prostitution, inducing

*Ounjian v. Globoforce* - Fla Whistleblowers Act, FDUTPA

*Tynes v. Fla DJJ* - Title VII discrimination, burden shifting

## Florida Supreme Court - Tallahassee

*In re Fla R App P* - amended rule

*Gonzalez v. State* - capital case, interlocutory appeal, all writs

*Nairn v. State* - pro se sanctions

*In re Fla Prob R* - amended rules

*In re Fla R GP & JA* - amended rule

## First District Court of Appeal - Tallahassee

*Whitley v. State* - sentencing

*Seminole v. Braden* - workers' compensation

*Mitchell v. Ahmed* - parenting plan, modification

*C&S Wholesale v. DBPR* - excise tax, refund, other tobacco products

*Washington v. State* - evidence, controlled substance, possession by passenger

## Second District Court of Appeal - St. Petersburg

*Sarasota Tennis v. CC of Sarasota HA* - tortious interference, contract breach, FDUTPA

*State v. Reddin* - extraterritorial arrest

*Welch v. State* - sentencing, plea withdrawal

*Treadway v. State* - postconviction relief

## Third District Court of Appeal - Miami

*Universal v. Sunset 102 Off Park CA* - leave to amend, spoliation, improper comments

*Ferrer v. Larrinaga* - alimony

*Fertil v. Univ of Mia* - *Daubert* challenge, causation opinion

*Wello & Mom v. Clear Spring* - forum selection clause

*Pringle v. Pringle* - unequal distribution, debt

*Weiss v. BI 27* - lis pendence, fraud in execution

*Miami-Dade Cnty v. Berastain* - negligent supervision, breach, causation, evidence

*Sadeh v. Calenzani* - child support, modification

*Gnaegy v. Morris* - removal of personal representative and trustee, appellate jurisdiction

*SDSol Techs v. Stardam* - leave to amend, claim to pierce corporate veil

*Ryan v. State* - peremptory challenge, sentencing

*Johansson v. Miami-Dade Cnty* - second-tier certiorari, jurisdiction

*Vill of Palmetto Bay v. 17777 Old Cutler Rd* - second-tier certiorari, incorrect application of law

*Roberson v. Reyes* - habeas, delayed filing of charges, good cause

## Fourth District Court of Appeal - West Palm Beach

*Fed Ins Co v. Perlmutter* - punitive damages proffer, en banc, certification

## Fifth District Court of Appeal - Daytona Beach

*State v. Crandall* - resentencing

*Villalba-Santos v. State* - sentence, vacate

[Hurlburt v. State](#) - jail credit, summary denial, records

# Sixth District Court of Appeal - Lakeland

[Maso v. Security First](#) - certified conflict; § 627.70152, pre-suit notice

[Hines v. Westgate Resorts](#) - summary affirmance

[Orosco v. Rodriguez](#) - establishment of paternity

[Mercury Indemn v. Thomas](#) - appellate jurisdiction

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