

# Florida Appeals Court Decisions: Week of June 19 - 23, 2023

June 24, 2023

## U.S. Eleventh Circuit Court of Appeals

*Benning v. Ga DOC* - § 1983, email interception, constitutional challenges

*Travelers v. Ocean Reef* - property insurance, expert witness

*Health Freedom Def Fund v. President* - Covid-19, mask mandate, mootness

*Thomas v. Broward Sheriff* - appellate standing; jury findings, Rule 39(c)

*Nuvasive v. Absolute Med* - arbitration, fraud, vacatur

*USA v. Gonzalez* - sentencing

*Am Builders Ins v. Southern-Owners Ins* - Fla law, insurance, bad faith

## Florida Supreme Court - Tallahassee

*In re R Reg Fla Bar* - bar rules, amendments

*Warren v. DeSantis* - quo warranto, unreasonable delay

## First District Court of Appeal - Tallahassee

*Friesen v. FHP* - workers' compensation

*Ortiz v. DOC* - PERC, drug testing

*Wade v. State* - postconviction relief

*Storey Mountain v. Freestone Enter* - equitable receivership

## Second District Court of Appeal - St. Petersburg

*Thomas v. State* - improper testimony, ultimate issue

*Goknar v. Goknar* - fees for fees

*Fletcher v. Bennett* - guardianship, fees

*Kaye v Wilson* - domestic violence injunction

*Greenspire Global v. Sarasota Green Gp* - punitive damages amendment

*KMG v. DCF* - parental rights, termination

*Miller v. State* - postconviction relief

*Allison v. Allison* - child support

*State v. McNeela* - search and seizure

## Third District Court of Appeal - Miami

*Castro v. Citizens* - prompt notice, presumption of prejudice

*Nadell v. Hursey* - prohibition, Stand Your Ground, civil action, certified question

## Fourth District Court of Appeal - West Palm Beach

*Bank of NY v. Kardok* - foreclosure, standing, lost note

*Seven Kings v. Marina Grande* - declaratory judgment, easement

*Savoy v. American Platinum* - summary judgment, affidavit, personal knowledge

*Thayer v. Hawthorn* - warranty deed, homestead, waiver

*Napleton's v. Agosto* - punitive damages, amendment, managing agent

*King v. King* - marital dissolution, proposed order, adoption verbatim

*Brown v. Regan* - constructive trust, summary judgment, rule 1.510

*Pyrinova v. Doyle* - temporary injunction, bond, intervention

## Fifth District Court of Appeal - Daytona Beach

*Lord v. Fednat Ins* - § 624.155(5), punitive damages

*Cummings v. State* - Anders appeal, costs

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

*Johnson v. State* - criminal, discharge counsel

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

*Martinez v. State* - postconviction relief

*AJM v. State* - habeas corpus, secure detention

## Sixth District Court of Appeal - Lakeland

*Avatar Props v. Gundel* - HOA assessments, statutory construction

*Jones v. State* - official misconduct, falsifying records

*Smith v. Babcock* – nonfinal appellate jurisdiction, summary judgment

*Hannah v. Malk Holdings* – directed verdict, civil theft

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