

# Florida Appeals Court Decisions: Week of May 29 - June 2, 2023

June 03, 2023

## U.S. Eleventh Circuit Court of Appeals

*King v. Warden, Ga Diagnostic Prison* - habeas corpus, postconviction relief

*USA v. Ware - Daubert*, fingerprint analysis; lay identification; flight instruction

*Anthony v. Ga DPS* - employment, racial discrimination

*Positano Place v. Empire Indem* - appellate jurisdiction, insurance, appraisal order

*S River Watershed v. DeKalb* - Clean Water Act, diligent prosecution bar

*USA v. Verdeza* - healthcare fraud, summary testimony, prior bad acts

*Gregory v. Comm'r of Int Rev* - taxes, hobby losses

*Chewy v. DOL* - labor, fine, safety standards, scope

## Florida Supreme Court - Tallahassee

*Alahad v. State* - standard of review, suppressing identification

*In re R Reg Fla Bar* - amended rules, bar elections

## First District Court of Appeal - Tallahassee

*KH v. DCF* - parental rights termination, failure to prosecute appeal

*DS v. DCF* - parental rights termination, failure to prosecute appeal

*Kostelny v. Bluewater Bay* - appellate jurisdiction, timely rule 1.540 motion

*Kostelny v. Bluewater Bay* - same as above, different appeal

*Ortiz v. Winn-Dixie* - workers' compensation

*Churchill v. DBI Servs* - workers' compensation

*DN v. Bay Cnty Sch Bd* - education, student, disability, discipline

*Benson v. State* - probation, special conditions

*Ross v. State* - sentencing

*Edenfield v. State* - Second Amendment, felon with firearm

## Second District Court of Appeal - St. Petersburg

No decisions this week

## Third District Court of Appeal - Miami

*Grove Harbour v. Grove Bay* - contract ambiguity, repudiation, fraud

*Tarrau v. State* - probation violation, seating arrangement

*Rivera v. State* - reasonable suspicion, using firearm while under the influence

*Poland v. Citizens* - untimely appeal, insufficient record

*Morton v. Faby* - time sharing

*City of Mia v. Robinson* - sovereign immunity, scope of employment

*McCormick Props v. SoMi Homes* - temporary injunction, ejection, dedication

*Am Auto Ins v. FDH Infrastructure* - statute of limitations, § 95.11(3)(c)

*B Little v. Choi Wai* - personal jurisdiction, waiver, forum non conveniens

*Ellison v. Deutsche Bank* - summary affirmance

## Fourth District Court of Appeal - West Palm Beach

*Young v. New Res Inv Co* - appellate jurisdiction, pending claims

*Wagner v. State* - warrantless misdemeanor arrest

*Fuentes v. Luxury Outdoor Design* - summary judgment, response

*Valcarcel v. Valcarcel* - dissolution, hearing

*Superior Brokerage v. Maduel* - personal jurisdiction, waiver

## Fifth District Court of Appeal - Daytona Beach

*Sayler v. Tower Hill Select Ins* - standing, assignment

*Duchateau v. Duchateau* - settlement agreement, appellate jurisdiction

*Wisheart v. Wisheart* - settlement agreement, enforcement

*Werner Entrs v. Mendez* - punitive damages, reasonable showing

# Sixth District Court of Appeal - Lakeland

*Pelleschi v. Pocci* - FUFTA, homestead exemption

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