

# Florida Appeals Court Decisions: Week of May 8 - 12, 2023

May 13, 2023

## U.S. Eleventh Circuit Court of Appeals

*Rossell v. VMSB* - FRCP 41(a)(2) dismissal

*Smith v. Williams* - FRCP 41(a)(1) dismissal

*EEOC v. Eberspaecher NA* - administrative subpoena, enforcement

*Graves v. Brandstar Studios* - FMLA, ADA

## Florida Supreme Court - Tallahassee

*Fla Bar v. Bander* - attorney discipline

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

## First District Court of Appeal - Tallahassee

*KM v. DCF* - parental rights, failure to prosecute

*JM v. DCF* - parental rights, failure to prosecute

*MG v. DCF* - parental rights, failure to prosecute

*MW v. DCF* - parental rights, failure to prosecute

*Poole v. State* - sentencing

*White v. Discovery Comm'n* - personal jurisdiction; defamation, CDA § 230

*Garcia v. So Cleaning* - independent contractor, nondelegable duties

*Debose v. State* - supplementing record on appeal, transcript

*Hale v. Bd of Admin* - retirement benefits, administrative review

## Second District Court of Appeal - St. Petersburg

*Halsey v. Hoffman* - certiorari, medical presuit  
*Wells Fargo v. Neininger* - foreclosure, fees, bankruptcy  
*Westpark Preserve HA v. Pulte Home* - statute of repose  
*Davis v. State* - bolstering  
*Fitness Int'l v. 93 FLRPT* - Covid-19, real estate lease  
*Mt Hawley v. Russo* - certiorari, stay, prior filed action  
*Armstrong v. State* - postconviction relief

## Third District Court of Appeal - Miami

*Pet Supermarket v. Eldridge* - class certification, standing, injury, dissent  
*Tarlo v. Metro Life* - trial continuance  
*State v. Delancy* - prohibition, mediation  
*Planas v. State* - habeas, pro se filings

## Fourth District Court of Appeal - West Palm Beach

*McGee v. State* - restitution, reserved jurisdiction  
*Indian River Shores v. Vero Bch* - municipal utilities, rates  
*Enriquez v. State* - sentencing  
*Palm Beach Post v. Aronberg* - grand jury secrecy, §905.27  
*Personna v. State* - briefing, record supplement, extensions of time  
*Grnja v. People's Trust* - insurance, appraisal, waiver, §627.7015  
*Wright v. Regions* - default, motion to set aside, rule 1.500(b)  
*Abraham v. State* - sentencing, cost orders  
*Republic Consumer Lending v. Townsend* - partition

## Fifth District Court of Appeal - Daytona Beach

*Maloch v. Maloch* - alimony calculation; concurrence, dissent  
*Shahid v. Miller* - dismissal with prejudice, preservation; concurrence  
*McDermott v. State* - child sexual battery, sexual predator designation

## Sixth District Court of Appeal - Lakeland

*Reese v. Reese* - dissolution of marriage  
*Maya v. State* - hearsay, closing argument objection

*Lancheros v. Burke* - negligence, causation

*Progressive v. Simonmed Imaging* - PIP, statutory construction

*Hurt, III v. Johnson* - monetary sanctions

*Romero v. State* - sentencing error

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