

# Florida Appeals Court Decisions: Week of October 2-6, 2023

October 06, 2023

## U.S. Eleventh Circuit Court of Appeals

*Lowery v. AmGuard* - appellate jurisdiction, insurance, equitable reformation

*CSX v. Gen Mills* - indemnification agreements, negligence, vouchment

*Yelling v. St Vincent's* - employment, discrimination, retaliation

*Harris v. Public Health Tr Miami-Dade* - employment, discrimination, hostile environment, retaliation

*Edwards v. Dothan City Schools* - employment, due process, contract

*USA v. Steiger* - sentencing, probation revocation

*Johnson v. Dunn* - search and seizure, qualified immunity

*Kemokai v. US Att'y Gen* - immigration, aggravated felony, intervening decisions

## Florida Supreme Court - Tallahassee

*Cruz v. State* - capital case, rehearing denied

## First District Court of Appeal - Tallahassee

*Puri v. DCF* - administrative appeal, foster home license

*Freeman v. State* - tipsy coachman, Stand Your Ground

*E Coast Waffles v. Haselden* - workers' compensation

*White v. State* - preservation of error, no-contest plea

*State v. Berens* - personal property, lien, venison meat

*Lumpkin v. State* - postconviction relief

*Morris v. State* - mandamus, mootness, duty to rule

*Parson v. State* - certiorari, interim writ of mandamus, requiring reasoning

*Stanton v. State* - mandamus, mootness, duty to rule

*Broxton v. State* - belated appeal

*Slaton v. State* - mandamus, mootness, duty to rule

## Second District Court of Appeal - St. Petersburg

*Hammac v. US Bank* - foreclosure, amount owed

*Feldman v. State* - restitution, hearing

## Third District Court of Appeal - Miami

*Citizens v. Salazar* - correct measure of damages, insufficient evidence

*Hess v. PMG-S2 Sunny Isles* - attorney's fees, contract

*Responsive v. Oasis Diagnostic Ctr* - non-final order, summary judgment evidence

*Frehling v. Garcia* - property tax assessment benefit, transfer

*MP v. Guiribitey* - arbitration agreement, unconscionability, arbitrability

## Fourth District Court of Appeal - West Palm Beach

*Bd of Trustees v. NE 32nd St* - summary judgment, attorney's fees

*Doll v. State* - cost of prosecution

*Pine v. Pine* - attorney's fees, ripeness

*Fort Lauderdale v. Tropical Paradise Resorts* - sovereign immunity

*People's Trust v. Jones* - appraisal

## Fifth District Court of Appeal - Daytona Beach

*Schmidt v. Schmidt* - dissolution, alimony, equitable distribution

*Sanchez v. Volusia County* - nonfinal order, appellate jurisdiction

*Varner v. Varner* - child visitation

*Kani v. Feaster* - paternity

*Adventist Health v. Machalek* - certiorari; med mal, presuit requirements

*Newcomer v. State* - postconviction relief

## Sixth District Court of Appeal - Lakeland

*Cape Coral Loan v. 924 Del Prado* - waiver of affirmative defense

*Royal v. Royal* - availment of adequate remedy

*AHCA v. Payas* - subject matter jurisdiction

*Robinson v. State* - summary disposition

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