

Florida Appeals Court Decisions: Week of January 25 - 29, 2021

January 30, 2021

U.S. Eleventh Circuit Court of Appeals

NMA v. US DOL - MSHA rule

Emory University v. Neurocare - indemnity

Garcia v. USA - vacating *this* and holding in abeyance

AC-USA v. Silikal - personal jurisdiction, trade secret, misappropriation

Florida Supreme Court - Tallahassee

Fla Bar v. Phoenix - attorney discipline

Casiano v. State - mootness, sentencing

In re Fla R Jud Admin - rules committees, procedures

In re Fla R Jud Admin - standard jury instructions, procedures

First District Court of Appeal - Tallahassee

Hunt v. State - bump-fire stock ban, constitutional challenges

Hathaway v. State - evidence, murder, burglary, kidnapping, robbery

Schmidt v. State - statutory interpretation, probation

Rodarte v. State - prohibition, Stand Your Ground

Powell v. State - evidence, intent

MTGLQ Inv v. Merrill - foreclosure, return of original note, mortgage

Moultrie v. State - sentencing

Himes v. State - postconviction relief

Gilligan Gooding v. Condor Aerial - § 57.105

Wilson v. Jacks - vicarious liability, pleading

Grantham v. State - postconviction relief

Rice v. State - pro se while represented

Second District Court of Appeal - Lakeland

Everett v. Avatar P&C - coverage, summary judgment, deficient affidavit

Kerkhoff v. Estate of Brown - probate, fees, rules 1.420 & 5.080

Peters v. State - sentencing

Brown v. State - search and seizure

Country Walk HA v. Rader - appellate jurisdiction

Taneja v. Downtown St Pete - unpled relief

Third District Court of Appeal - Miami

Dayes v. Werner Ent - expert testimony, conduit for hearsay

Dixon v. DACS - licensing, informal hearing request

Santos v. Miami - confession of error

Mantilla v. DOR - confession of error, imputed income

Ace Funding v. A1 Transp - default judgment, vacatur

EH v. DCF - dependency

Fourth District Court of Appeal - West Palm Beach

Ritacco v. Ritacco - dissolution, alimony

Tindall v. State - mental state, expert evidence

Pash v. Mahogany Way HOA - lien, unpaid assessments

Aquarius Condo Assn v. Goldberg - arbitration, injunction, jurisdiction

Bailey v. Bailey - intervention, dissolution

Reconco v. Integon Natl Ins Co - standing, third-party beneficiary

BA v. DCF - termination parental rights

Machovec v. Palm Beach - mask mandate, injunction

Fifth District Court of Appeal - Daytona Beach

Maisonet v. State - remand, postconviction relief

Boswell v. State - probation, abbreviated hearing, conceded error

Allen v. State - *Spencer* bar, pro se

Buechel v. Shim - proceedings supplementary, foreign property; certified conflict

[State v. Decker](#) - postconviction relief

[McKiver v. State](#) - postconviction relief

[Wiker v. State](#) - sentence

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