

Florida Appeals Court Decisions: Week of June 27 - July 1, 2022

July 02, 2022

U.S. Eleventh Circuit Court of Appeals

Arkin v. Smith Med Partners - TCPA, class action att'y fees

Brink v. Direct Gen Ins Co - Fla bad faith insurance, dissent, concurrence

Brown v. Philip Morris - Engle, detrimental reliance

Fowler v. OSP Prevention Grp - FLSA

Gimeno v. NCHMD, Inc. - ERISA

Harner v. SSA - disability

LaCroix v. Town of Fort Myers Beach - First Amendment, sign ordinance

Lamirand v. Fay Servicing - FDCPA, TILA

Patterson v. Ga Pacific - Title VII retaliation

Perlman v. PNC Bank - standing, receiverships, dissent

Public Risk Mgmt v. Munich Reinsurance - insurance coverage

Riolo v. US - 2255, ineffective assistance of counsel

Rodriguez v. Burnside - Free Exercise, qualified immunity

Rubinstein v. Yehuba - jurisdiction, expert testimony, punitive damages

Wreal v. Amazon - reverse-confusion trademark infringement

Florida Supreme Court - Tallahassee

Jackson v. State - capital case, postconviction relief

Thach v. State - charging document, midtrial amendments

Velazco v. State - double jeopardy

First District Court of Appeal - Tallahassee

Seadler v. Marina Bay CA - jury selection, certified conflict

Grooms v. State - postconviction relief

Rockwell Amelia Passage v. Williams - force majeure
Bellamy v. State - mandamus, duty to rule, mootness
Pierre v. State - mandamus, duty to rule, mootness
Avis v. State - mandamus, duty to rule, mootness
Westlake Re v. DFS - injunction, mootness
Rhody v. McNeil - habeas corpus, pre-bond mental health screening
Choute v. State - prohibition, judicial disqualification
Coley v. State - appellate jurisdiction, interlocutory criminal appeal
Herring v. State - mandamus, duty to rule, mootness
Nilio v. State - final order, postconviction relief plus show cause

Second District Court of Appeal - Lakeland

Lovell v Security First Ins - appellate jurisdiction, nonfinal orders
Cohen v. Carolyn - mootness
Progressive Am Ins v. Back on Track - PIP, certified conflict
Heritage P&C v. Forest Mere CA - insurance, appraisal
Williams v. State - sentencing
Burkhart v. Arthrex - jurisdiction, attorney disqualification
Youngman v. State - search and seizure, BitTorrent, hash values
Ivy Chase v. Ivy Chase - foreclosure, interest rate
Arzillo v. Arzillo - marital dissolution
Spine v. Moulton - employment, noncompete, temporary injunction
Collier Cnty Sch v. Baird - certiorari, discovery, privilege
Hassenplug v. Hassenplug - marital dissolution, homeschooling
Goulding v. Goulding - appellate jurisdiction, fees without amount

Third District Court of Appeal - Miami

814 Prop v. New Birth Baptist - condo sale, declaration, restraint
CFLB Mgmt v. Mabipa Overseas - money lent
JTB v. State - delinquency, video hearing, due process
Reese v. Mathis - § 57.105 fees
Menada v. Arevalo - prohibition, judicial disqualification
MD v. State - delinquency, video hearing, due process
Flexfunds v. Rivero - attorney disqualification
Alliance JJ Miami v. Coates - contract, cancellation fee
Montalvo v. Deutsche Bank - settlement agreement
Zielcke v. Rubio - service of process

Wm H Arthur Architect v. Schneider - certiorari, discovery, privilege

Fourth District Court of Appeal - West Palm Beach

Herrington v. Lloyd's - insurance, endorsement, scope

Geddes v. Jupiter Island - Anti-SLAPP, jurisdiction

Fifth District Court of Appeal - Daytona Beach

Baum v. Becker Poliakoff - summary judgment, malpractice

State Farm v. Roof Pros - appraisal, court-appointed umpire, subject-matter jurisdiction

Travis v. Travis - qualified domestic relations orders, pension

Apex Roofing v. State Farm - summary judgment, insurance

Osborne v. State - *Anders* appeal, investigative cost

Gatlin v. State - jail credit

Dontineni v. Sanderson - certiorari; medical malpractice, presuit requirements

Gutierrez v. State - postconviction relief

Reyes v. State - postconviction relief

Barber v. State - *Anders* appeal, written order

Hope v. State - sentence

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

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