

Florida Real Property and Business Litigation Report
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Manuel Farach

Gherardi v. Citigroup Global Markets Inc., Case No. 18-13181 (11th Cir. 2020).

So long as arbitrators do not exceed their powers, an arbitration award – even if it is wrong on the facts or the law – must be confirmed.

Johnson v. Dickenson, Case No. 18-12344 (11th Cir. 2020).

An order approving a class action settlement may not require objections to be filed before counsel fee requests are ruled upon by the court, may not include an “incentive payment” for a class representative, and must contain factual details that allow proper appellate review.

Palma v. South Florida Pulmonary & Critical Care, LLC, Case No. 3D19-1347 (Fla. 3d DCA 2020).

An accommodation party under Florida Statute section 673.4191(1) is liable to the holder but not to the accommodated party; this rule is not supplanted by equitable principles.

2711 Hollywood Beach Condominium Association, Inc. v. TRG Holiday, LTD., Case No. 3D18-1834 (Fla. 3d DCA 2020).

The Economic Loss Rule bars a building purchaser from suing the manufacturer whose installed PVC pipe later leaks as the pipe is part of the “finished product” (i.e., the building) and *Casa Clara Condominium Association v. Charley Toppino & Sons, Inc.*, 620 So. 2d 1244, 1247 (Fla. 1993), bars suits by purchasers against installed products.

Cuomo Trading, Inc. v. World Contract S.R.L., Case No. 3D19-2289 (Fla. 3d DCA 2020).

A non-breaching party may treat a contract as void and seek restoration to the position the party was in prior to entering into the contract or may affirm the contract and be placed in the position they would have been had the contract been completely performed.

Burdett v. Opton, Case No. 4D19-2136 (Fla. 4th DCA 2020).

An award of attorney’s fees for retaking collateral under Florida Statute section 679.623(2)(b) is subject to a prevailing party standard.

PennyMac Loan Services LLC v. Ustarez, Case No. 4D19-3547 (Fla. 4th DCA 2020).

The H.U.D. “face to face” meeting requirement of 24 C.F.R. § 203.604(b) is not a condition precedent to foreclosure and not a bar to filing a foreclosure complaint.

Brant v. Metropolitan Life Insurance Company, Case No. 4D20-1207 (Fla. 4th DCA 2020).

The Local Action Rule is modified by Florida Statute section 702.04 such that a mortgage cross-collateralized by real property in more than one county may be foreclosed in any county in which the mortgage is recorded.