

Florida Real Property and Business Litigation Report

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Law Offices of Herssein and Herssein v. United Services Automobile Association, Case No. SC17-1848 (Fla. 2018).

Judges do not have to automatically recuse themselves from a case if they are “Facebook friends” with counsel for one of the parties.

Convergent Technologies, Inc. v. Stone, Case No. 1D18-389 (Fla. 1st DCA 2018).

Whether a party has proactively violated a restrictive covenant in an employment agreement is a question of fact for the trier of fact.

Sorenson v. The Bank Of New York Mellon, Case No. 2D16-273 (Fla. 2d DCA 2018).

While the privilege to amend diminishes the closer a case gets to trial, a defendant can still amend affirmative defenses in a seven-year-old case so long as the “justice factor” outweighs the prejudice to the party objecting to the amendment.

Home Title Company Of Maryland, Inc. v. Lasalla, Case No. 2D17-998 (Fla. 2d DCA 2018).

One member of a Florida LLC may not sue the title company that improperly transferred the LLC’s real property to the other LLC member as the right to sue the title company is derivative and belongs to the LLC; *Dinuro Invests., LLC v. Camacho*, 141 So. 3d 731 (Fla. 3d DCA 2014), is distinguished.

Nationstar Mortgage, LLC v. Cullin, Case No. 4D17-84 (Fla. 4th DCA 2018).

A final judgment and trial transcript which contain no findings of facts, conclusions of law, or other indication of the basis for the trial court’s decision makes effective appellate review impossible, and will result in remand to make the necessary findings.

Richard v. Bank Of America, N.A., Case No. 4D18-1581 (Fla. 4th DCA 2018).

A judgment is void when it results from the lack of due process, and an aggrieved party may move to set the judgment aside under Florida Rule of Civil Procedure 1.540 outside of the one-year limitation.

The City of Palm Beach Gardens V. Oxenvad, Case No. 4D18-1758 (Fla. 4th DCA 2018).

An appeal regarding a municipal annexation must be filed within thirty days of the passage of the annexation ordinance, and an aggrieved party may not wait until the voter referendum on the annexation to appeal.