

Florida Real Property and Business Litigation Report
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Tufts v. Hay, Case Nos. 19-11496 & 19-11603 (11th Cir. 2020).

The *Barton (v. Barbour*, 104 U.S. 126 (1881) Doctrine (suit cannot be brought against a court-appointed receiver without leave of the court that appointed the receiver) does not apply in bankruptcy court after the case is closed.

Pine Mountain Preserve, LLLP v. Commissioner Of Internal Revenue, Case No. 19-11795 (11th Cir. 2020).

A grant to a qualified conservation trust, so long as the grant is in perpetuity for conservation purposes, qualifies for tax deductibility under I.R.C. § 170 even though it is a “Swiss cheese” grant, i.e., land granted for conservation with pockets of development.

Santana v. Miller, Case No. 3D19-1808 (Fla. 3d DCA 2020).

The following language is sufficient to release future claims, including for discriminatory and hostile work environment:

Based on the consideration described above, Employee hereby fully and finally releases and discharges Employer from any and all claims, wages, overtime, vacation pay or any sums of any nature whatsoever, up through the date this Release is signed . . .

Aleman v. Gervas, Case No. 3D19-2255 (Fla. 3d DCA 2020).

The following clause requires the company, and not individual members, to pay amounts due to Aleman:

6. Morningside Management LLC. The Parties are equal owners, directly or indirectly, of Morningside Management LLC (“MM”). The Parties will endeavor to restructure or liquidate this company and pay the amounts owed to Raymond [Aleman]. Within thirty (30) days of the date of this Agreement, each of Gervas and Aleman will pay one half of the amounts owed to the law firms of Murai Wald Biondo & Moreno P.A. and Lagos and Priovolos.