

Florida Real Property and Business Litigation Report
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Muransky v. Godiva Chocolatier, Inc., Case Nos. 16-16486 & 16-16783 (11th Cir. 2020) (en banc).

Parties cannot stipulate that a federal court has jurisdiction and the requirement of *Spokeo, Inc. v. Robins*, 136 S. Ct. 1540 (2016), that a plaintiff must plead (and later support) an injury that is concrete, particularized, and actual or imminent (not just conjectural or hypothetical) applies to statutory claims that set forth damages for a statutory violation, including claims under the Fair and Accurate Credit Transactions Act, Pub. L. No. 108-159, 117 Stat. 1952 (2003).

In Re: Amendments to the Florida Rules of Appellate Procedure—2020 Fast-Track Report, Case No. SC20-1374 (Fla. 2020).

The Florida Rules of Appellate Procedure are amended to incorporate the change of county court appeals proceeding directly to district courts of appeal.

Abu-Khadier v. City of Fort Myers, Case No. 2D18-3068 (Fla. 2d DCA 2020).

Government can order the closing of a business, i.e., conduct a temporary taking, but is liable for the taking unless the government can identify background principles of nuisance and property law – such as extensive drug and criminal activity at the business - that support the order of closure and taking.

Kuhnsman v. Wells Fargo Bank, N.A., Case No. 2D19-681 (Fla. 2d DCA 2020).

The “face to face” meeting required under HUD, 24 C.F.R. § 203.604(b) (2016), is subject to a substantial performance standard.

Forty One Yellow, LLC v. Escalona, Case No. 2D18-3730 (Fla. 2d DCA 2020).

Failure to re-establish a lost promissory note is not a bar under res judicata or collateral estoppel to a later foreclosure suit as the focus is whether the foreclosure action, not the promissory note, is barred by the doctrines.