

Florida Real Property and Business Litigation Report
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Tsao v. Captiva MVP Restaurant Partners, LLC, Case No. 18-14959 (11th Cir. 2021). In order to have Article III standing, a claimant with hypothetical harm must be subject to harm which is “certainly impending” or there is a “substantial risk” of such harm, and if not, the claimant cannot impose harm on himself to create standing.

Gulfcoast Spine Institute, LLC v. Walker, Case No. 2d19-4220 (Fla. 2d DCA 2021). A party may not obtain confidential trade secrets and business information of a third party by claiming the prices charged by the third party, which prices are the subject of damages in the main trial, were excessive.

Hunter v. Catalano, Case No. 2D19-2981 (Fla. 2d DCA 2021). The presuit mediation requirements of Florida Statute section 720.311(2)(a) apply only to disputes between homeowners and associations and does not apply to disputes between parcel owners or association members.

Hendel v. Internet Escrow Services, Inc., Case No. 3D19-2148 (Fla. 3d DCA 2021). Claims for fraud in the inducement and for declaratory judgment generally do not overcome the mandatory forum selection clause contained in an internet clickwrap agreement.

F.H. Paschen v. B&B Site Development, Inc., Case No. 4D19-3839 (Fla. 4th DCA 2021). The dispute resolution portions of a construction contract, including the provisions that a third party such as an architect has the authority to determine performance under the contract, cannot override the clear terms of the contract.

Boca Center At Military, LLC v. City of Boca Raton, Case No. 4D19-2736 (Fla. 4th DCA 2021). A proposed or speculative land use is not sufficient to bring a property within the dictate of the Bert J. Harris Jr. Private Property Rights Protection Act, Florida Statutes section 70.001.