

Florida Real Property and Business Litigation Report
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Manuel Farach

King v. Zaslavskiy, Case No. 3D19-1921 (Fla. 3d DCA 2021).

The hearing of a motion for summary judgment should be continued to allow a party to revise their declaration in opposition (proper under federal practice but not Florida practice) and convert the declaration to an affidavit in opposition.

Point Conversions, LLC v. WPB Hotel Partners, LLC, Case No. 4D19-3017 (Fla. 4th DCA 2021).

A state court has jurisdiction over a suit in which there are federal patent law questions when the claim does not “arise” under federal law and does not meet the four-part requirements of *Gunn v. Minton*, 568 U.S. 251 (2013).

Hinners v. Hinners, Case No. 4D20-1320 (Fla. 4th DCA 2021).

Replevin lies to recover checks, checkbooks, and other physical items, but does not lie to recover a sum of money and is not available to recover money in a bank account arising from checks deposited by a party.

Parkin v. Eagle Home Mortgage, LLC, Case No. 5D20-160 (Fla. 5th DCA 2021).

An unauthenticated letter giving notice of default and letter log are not sufficient “evidence” to counter an affirmative defense of failure to comply with conditions precedent.

Center State Transportation Motor Trend Orlando Service, LLC, Case No. 5D20-1431 (Fla. 5th DCA 2021).

Mandatory injunctions should rarely be granted before final hearing or before all parties can present their evidence, and accordingly, a mandatory injunction issued immediately after suit is filed requiring a tenant to remediate environmental contamination is improper.