

Florida Real Property and Business Litigation Report
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Gil v. Winn-Dixie Stores, Inc., Case No. 17-13467 (11th Cir. 2021).

Websites are not places of public accommodation under 42 U.S.C. § 12182(a), and thus do not need to comply with the Americans with Disabilities Act.

Circuitronix, LLC v. Kinwong Electronic (Hong Kong) Co., Ltd., Case No. 19-12547 (11th Cir. 2021). Fed. R. Civ. P. 6(a)(3) extends the time to file a document when the courthouse is closed, even if the document could have been filed electronically.

In Re: Amendments To The Florida Rules of Civil Procedure, The Florida Small Claims Rules, The Florida Rules of Appellate Procedure, and The Florida Family Law Rules of Procedure—Service, Case No. SC19-2162

Documents that are served but not filed with the court must be served in accordance with Florida Rule of General Practice and Judicial Administration 2.516 (Service of Pleadings and Documents).

Cavalry Portfolio Services, LLC v. Hodges, Case No. 1D19-4219 (Fla. 1st DCA 2021). The Litigation Privilege does not protect a party from claims of wrongful garnishment arising out garnishing the assets of the wrong party.

Clampitt v. Wick, Case No. 2D19-1588 (Fla. 2d DCA 2021).

The failure to post a bond does not preclude a party from opposing proceedings supplementary.

Baird v. Mason Classical Academy, Inc., Case No. 2D20-2550 (Fla. 2d DCA 2021).

The nature of Florida's Anti-SLAPP statute, Florida Statute section 768.295, permits certiorari relief to review denials of motions to dismiss based on the statute, and requires the party accused of SLAPP violations to present a prima facie case for its actions at which time the burden shifts to the party claiming the SLAPP violation.

Dean Wish LLC v. Lee County, Florida, Case No. 2D19-4843 (Fla. 2d DCA 2021).

The Bert J. Harris, Jr. Private Property Rights Protection Act, Florida Statute section 70.001, requires a claimant to be a present "property owner" to be eligible for statutory relief under the Act.

MTGLQ Investors, LP v. Leones, Case No. 4D19-3872 (Fla. 4th DCA 2021).

A loan modification need not be pled nor proven in a mortgage foreclosure action when the modification was cancelled for nonperformance.

Florida Holding 4800, LLC v. Lauderhill Mall Investment, LLC, Case No. 4D20-174 (Fla. 4th DCA 2021).

A buyer cannot claim fraud in the inducement on the purchase of a commercial property when it agrees to purchase the property “as is,” to conduct its own inspections, and to rely solely on its own inspections and not on any representations regarding the property.

McIntosh Fish Camp, LLC v. Colwell, Case No. 5D20-1199 (Fla. 5th DCA 2021).

An “as is” contract and a merger and integration clause in a commercial real estate sales contract do not bar claims for fraud in the inducement.