

Florida Real Property and Business Litigation Report
Volume XIV, Issue 26
June 26, 2021
Manuel Farach

Transunion LLC v. Ramirez, Case No. 20–297 (2021).

Claimed violations of the Fair Credit Reporting Act, 15 U. S. C. §1681 et seq., requires concrete harm in order to have a statutory violation in order to have Article III standing in order to seek damages.

United States v. Arthrex, Inc., Case No. 19–1434 (2021).

The unreviewable authority wielded by Administrative Patent Judges during *inter partes* review is incompatible with their appointment by the Secretary of Commerce to an inferior office.

Cedar Point Nursery v. Hassid, Case No. 20–107 (2021).

State law requiring access to private property constitutes a per se physical taking.

Collins v. Yellen, Case No. 19–422 (2021).

The anti-injunction provisions of the Housing and Economic Recovery Act of 2008 (as conservator of Fannie Mae and Freddie Mac) restricts the President’s power to remove the Federal Housing Finance Agency director and thus violates the separation of powers.

WVMF Funding v. Palmero, Case No. SC19-1920 (Fla. 2021).

A mortgage must be read alongside the note it secures and the note prevails in the case of a conflict between the two instruments.

Southeastern Concrete Constructors, LLC v. Western Surety Company, Case No. 2D20-2475 (Fla. 2021).

The venue provision of a subcontract construction contract cannot be used to determine venue of a suit over a surety bond that does not contain a venue provision.

Crawley-Kitzman v. Hernandez, Case No. 3D20-420 (Fla. 3d DCA 2021).

The fraudulent statements by a person that he would pay plaintiff from the proceeds of the sale of property he claimed to own cannot be used to place a constructive trust on the property, which property was actually owned by a third party.

Axen v. POAH Cutler Manor, LLC, Case No. 3D21-0075 (Fla. 3d DCA 2021).

A trial court cannot enter a final judgment of possession without first ruling on a pending Motion to Determine Rent.

Kratos Holdings, LLC v. Direct Investments International, LLC, Case No. 3D21-355 (Fla. 3d DCA 2021).

A trial court cannot enter partial summary judgment on one count of a multi-count, intertwined complaint and order immediate execution on the one count.

Dupree v. Dellmar, Case No. 3D21-1205 (Fla. 3d DCA 2021).

A county court loses jurisdiction over an eviction action if the defendant claims an equitable interest in the property as only circuit court have jurisdiction over ejection actions.

Domino v. Nielsen, Case No. 4D20-986 (Fla. 4th DCA 2021).

A party who does not read emails they acknowledge receiving may be responsible for the content of the email based on the principle of implied, actual notice.