

Florida Real Property and Business Litigation Report
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Van Buren v. United States, Case No. 19–783 (2021).

A person who exceeds his authorized access to a computer system violates the Computer Fraud and Abuse Act of 1986, 18 U. S. C. §1030(a)(2).

Don't Look Media LLC v. Fly Victor Limited, Case No. 20-10779 (11th Cir. 2021).

A party seeking to enforce a forum selection clause should proceed under *forum non conveniens* rather than a Federal Rule of Civil Procedure 12(b)(3) motion to dismiss.

Arch Insurance Company v. Kubicki Draper, LLP, Case No. SC19-673 (Fla. 2021).

An insurer has standing through contractual subrogation to maintain a malpractice action against counsel hired to represent the insured where the insurer has a duty to defend.

Tank Tech, Inc. v. Valley Tank Testing, L.L.C., Case No. 2D19-422 (Fla. 2d DCA 2021).

Unlike the case where a party is seeking contribution arising out of a tort claim, a party seeking equitable subrogation arising out of a contract claim does not need to provide a release for the claimed damages.

De Soleil South Beach Residential Condominium Association, Inc. v. De Soleil South Beach Association, Inc., Case Nos. 3D19-2013 and 3D19-617 (Fla. 3d DCA 2021).

A condominium association without Kaufman language in its recorded declaration of condominium cannot adopt later revisions to Florida Statute section 718.303, which revisions permit suspension of member's voting rights upon failure to pay dues.

Segal v. Forastero, Inc., Case No. 3D21-89 (Fla. 3d DCA 2021).

A party seeking to pierce the corporate veil of a single member limited liability company arising out of the breach of a real estate contract may not solely rely on the company's lack of assets but must demonstrate the traditional factors, i.e., domination and control of the company to such extent that the company had no independent existence and was the mere instrumentality or alter ego of the individual, that the corporate form was fraudulently used or used for an improper purpose, and that fraudulent use caused injury to the complaining party.

Olson v. Eco Marine Contactor, LLC, Case No. 5D21-0291 (Fla. 5th DCA 2021).

An order entered by a recused judge is void unless the order is the mere ministerial act of reducing an oral ruling to writing.