

**Florida Real Property and Business Litigation Report**  
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**Manuel Farach**

**5200 Enterprises Limited v. City of New York**, Case No. 20-13753 (11th Cir. 2022).  
New York law does not recognize continuing trespasses against municipalities, and accordingly, the City of New York is not responsible under trespass for contaminating property owned by the Debtor.

**Acheron Capital, Ltd. v. Mukamal**, Case No. 21-13052 (11th Cir. 2022).  
An interim order directing a court-appointed trustee to sell the assets of a failed investment scheme is not a final decision under 28 U.S.C. § 1291 nor a refusal to wind up a receivership under 28 U.S.C. § 1292 and thus not capable of interim appeal.

**In Re: Amendment To Florida Rule of Appellate Procedure 9.130**, Case No. SC21-129 (Fla. 2022).  
Florida Rule of Civil Procedure 9.130 is amended to include new subdivision (a)(3)(G) permitting non-final appeals of nonfinal orders that grant or deny a motion for leave to amend to assert a claim for punitive damages.

**Buzby v. Turtle Rock Community Association, Inc.**, Case No. 2D21-1377 (Fla. 2d DCA 2022).  
Professionals, including doctors and lawyers, are entitled to expert witness fees when testifying as an expert, i.e., when evaluating the work of others but not describing historical facts from personal knowledge.

**GG Investment Realty, Inc. v. South Beach Resort Development, LLC**, Case No. 3D20-1033 (Fla. 3d DCA 2022).  
A party fraudulently induced into a contract may choose the remedy of rescission, thereby rejecting the contract, or damages, thereby reaffirming the contract and seeking damages arising from the tort.

**Florida Department of Transportation v. Lauderdale Boat Yard, LLC**, Case No. 4D20-1184 (Fla. 4th DCA 2022).  
Only those waters which were navigable when Florida joined the union are sovereign lands which grant abutting owners riparian rights, and dredging upland so that it is covered by water does not make the dredged waters navigable nor lands which contain riparian rights.