

Florida Real Property and Business Litigation Report
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Shipley v. Helping Hands Therapy, Case No. 19-13812 (11th Cir. 2021).

A district court may not remand a case based on a procedural defect in removal when the motion to remand is untimely.

Quinn v. CCRC OPCO Freedom Square LLC, Case No. 2D20-2305 (Fla. 2d DCA 2021).

Certiorari relief is not available regarding the selection of an arbitrator because the defect in selection, if any, can be remedied on plenary appeal.

Mishpaja Shajine, Inc. v. Granada Insurance Company, Case No. 3D20-956 (Fla. 3d DCA 2021).

A party has a liberal right to amend its answer and affirmative defenses, including at a hearing for summary judgment, unless the party seeking to amend has abused the privilege to amend, the opposing party would be prejudiced by the amendment, or the amendment would be futile.

Bondar v. Town of Jupiter Inlet Colony, Case No. 4D19-2118 (Fla. 4th DCA 2021).

Property owners prevented from renting their home on a short-term basis by a municipality do not have a substantive due process claim because the right to rent properties to others is not a fundamental right and likewise do not have an equal protection claim unless the municipality acted with a discriminatory purpose.

Wells Fargo Bank, N.A. v. Tan, Case No. 4D20-613 (Fla. 4th DCA 2021).

Florida Statute section 702.036 (courts are prevented, under certain circumstances, from granting relief which “adversely affects the quality and character of title”) applies even if the underlying judgment is void.