



# Supreme Court of Florida

[Main Press Page](#)

[Broadcasts of Arguments Including Archives](#)

[Directions to the Supreme Court](#)

[Need an ADA Accommodation?](#)

## Oral Argument Press Summaries June 6-10, 2016 no arguments on June 6 or 10

**Tuesday, June 7**

*Justice Quince recused*

Gretna Racing, LLC v. Florida Department of Business & Professional Regulation, etc.,  
[SC15-1929](#)

statewide – starts about 9:00 a.m.

The state Division of Pari-mutuel Wagering denied an application by Gretna Racing for a license to have slot machines, ruling slots were allowed in Dade and Broward counties. Gretna appealed, arguing a 2009 statutory change opened the door to slots in other counties with local voter approval. The First District Court of Appeal agreed with the state and asked this Court to review the case as a question of great public importance.

Ruth Ledoux-Nottingham v. Jennifer Downs, etc., [SC15-1037](#)

Orange County – starts about 9:40 a.m.

Ms. Ledoux-Nottingham moved from Colorado to Florida with her two minor children after the death of her ex-husband. A Colorado court later granted Ms. Downs, the paternal grandmother, visitation rights. Ms. Ledoux-Nottingham asked a Florida trial court to modify the order of the Colorado court, arguing Florida's constitutional right to privacy included her authority to make parental decisions. The trial court ruled that Florida courts had to enforce the rulings of Colorado courts. The Fifth District Court of Appeal agreed with the trial court. But the 5th DCA also certified conflict with an earlier decision by the Fourth District Court of Appeal on the same legal issue.

--10 minute break--

Larry Perry v. State, [SC16-547](#)

Osceola County – starts about 10:30 a.m.

Mr. Perry was scheduled to be tried on charges of first-degree murder and aggravated child abuse in February 2016. In January 2016, the U.S. Supreme Court ruled that aspects of Florida's capital sentencing scheme were unconstitutional. Based on that ruling, Mr. Perry filed a motion to block the state's intent to seek the death penalty in his case. The trial court granted the motion, ruling the death penalty was not available because of the U.S. Supreme Court's decision. But the Fifth District Court of Appeal overturned the trial court and asked this Court to rule on the scope of the U.S. Supreme Court decision and a new death penalty law passed by the Legislature in its wake.

### **Wednesday, June 8**

In re: Amendments to Rules Regulating the Florida Bar 4-1.5 – Fees and Costs for Legal Services, [SC16-104](#)

statewide – starts about 9:00 a.m.

This proposed rule deals with the legal needs of people who win settlements in personal injury or wrongful death cases but then find themselves faced with medical liens. The rule spells out that the lawyers who represent such clients on a contingency fee basis must also handle resolution of all ordinary and straight-forward health care liens. Under the proposed rule, only when a lien is so complex that it requires a specialist can the client be charged an additional fee, which is levied by the new attorney with client and court approval and cannot be split with the original lawyer.

Dale Norman v. State, [SC15-650](#)

St. Lucie County – starts about 10:00 a.m.

Mr. Norman was charged with violating the Florida statute that outlaws the open carrying of firearms. A jury found him guilty of the second-degree misdemeanor. He challenged the constitutionality of the 2012 law on several grounds but the county court denied his motions to dismiss the case. The trial judge also withheld adjudication of a finding of guilt and imposed a \$300 fine and court costs. Mr. Norman appealed his

conviction and sentence to the Fourth District Court of Appeal and again challenged the constitutionality of the 2012 law. The 4th DCA agreed with the trial court and upheld the constitutionality of the statute outlawing the open carrying of firearms. Mr. Norman asked this Court to review the case.

--10 minute break--

Nelson Serrano v. State, [SC15-258](#)  
Polk County – starts about 10:50 a.m.

Mr. Serrano was convicted of the first-degree murders of George Gonsalves, Frank Dosso, George Patisso and Diane Patisso, who were fatally shot in 1997. The jury voted 9-3 to recommend a death sentence for each murder and the trial court condemned Mr. Serrano to death for each murder. This Court upheld the sentences on direct appeal and Mr. Serrano filed a post-conviction challenge in trial court. It was denied and this appeal followed.

Nelson Serrano v. Julie L. Jones, etc., [SC15-2005](#)  
Polk County – starts about 11:30 a.m.

Mr. Serrano was convicted of the first-degree murders of George Gonsalves, Frank Dosso, George Patisso and Diane Patisso, who were fatally shot in 1997. The jury voted 9-3 to recommend a death sentence for each murder and the trial court condemned Mr. Serrano to death for each murder. This Court upheld the sentences on direct appeal and Mr. Serrano filed a post-conviction challenge in trial court. It was denied and his appeal of that ruling is before this Court in a separate case. This is Mr. Serrano's habeas corpus petition, in which he argues an appellate attorney provided him with ineffective assistance in his direct appeal.

## **Thursday, June 9**

Searcy, Denney, Scarola, Barnhart & Shipley, etc., et al. v. State, [SC15-1747](#)  
Palm Beach County – starts about 9:00 a.m.

Searcy, Denney represented a child born with severe brain damage because of mistakes made during his delivery. A jury awarded the family \$30 million. But because of the hospital's sovereign immunity, damages were capped at \$200,000. The family and the law firm turned to the Legislature for relief. State lawmakers passed a \$15 million claims bill but included a \$100,000 cap on attorney fees. Searcy, Denney challenged that cap, seeking the 25 percent allowed under state law. The trial court denied the firm's petition. The Fourth District Court of Appeal upheld the trial court but asked this Court to review the case as one of great public importance.

Paul Durousseau v. State, [SC15-1276](#)  
Duval County – starts about 9:40 a.m.

Mr. Dourousseau was convicted of the first-degree murder of Tyresa Mack, who was fatally strangled in 1999. The jury voted 10-2 to recommend a death sentence and the trial court condemned him to death. This Court upheld his sentence on direct appeal and Mr. Dourousseau filed a post-conviction challenge in the trial court. It was denied and this appeal followed.

--10 minute break--

North Broward Hospital District, etc., et al. v. Susan Kalitan, et al., [SC15-1858](#)  
Broward County –starts about 10:30 a.m.

Ms. Kalitan was awarded \$4 million in noneconomic damages by the jury in a medical malpractice lawsuit filed after her esophagus was perforated during carpal tunnel surgery. The trial court reduced the award based on a state law that limits noneconomic damages in personal injury medical malpractice cases. Ms. Kalitan appealed and the Fourth District Court of Appeal ruled the law was unconstitutional.

The Florida Bar v. Robert Adams, [SC14-1054](#)  
Hillsborough County – starts about 11:10 a.m.

Mr. Adams was charged by The Florida Bar with several violations of the ethical standards for lawyers. He was accused of acting to facilitate the DUI arrest of opposing counsel in an ongoing case. A trial judge appointed to serve as a referee in the ethics case concluded Mr. Adams violated several ethical standards and recommended that this Court sanction Mr. Adams with permanent disbarment. Mr. Adams argues that permanent disbarment is too harsh a penalty. The Florida Bar argues the misconduct was serious enough to warrant permanent disbarment.

The Florida Bar v. Adam Filthaut, [SC14-1056](#)  
Hillsborough County – starts about 11:40 a.m.

Mr. Filthaut was charged by The Florida Bar with several violations of the ethical standards for lawyers. He was accused of acting to facilitate the DUI arrest of opposing counsel in an ongoing case. A trial judge appointed to serve as a referee in the ethics case concluded Mr. Filthaut violated several ethical standards and recommended this Court sanction Mr. Filthaut with permanent disbarment. Mr. Filthaut argues, among other things, that he was denied due process and that the sanction is too harsh. The Florida Bar supports the recommended sanction.

###