



Supreme Court of Florida

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Oral Argument Press Summaries

February 8, 9, 10 no cases on February 7 and 11

Tuesday, February 8, 2022

[SC21-990 In Re: Amendments to the Florida Rules of Civil Procedure, Florida Rules of General Practice and Judicial Administration, Florida Rules of Criminal Procedure, Florida Probate Rules, Florida Rules of Traffic Court, Florida Small Claims Rules, and Florida Rules of Appellate Procedure](#)

Statewide - Begins at 9:00 a.m. ET

The Workgroup on the Continuity of Court Operations and Proceedings During and After COVID-19 has filed a petition to amend the Florida Rules of Civil Procedure, the Florida Rules of General Practice and Judicial Administration, the Florida Rules of Criminal Procedure, the Florida Probate Rules, the Florida Rules of Traffic Court, the Florida Small Claims Rules, and the Florida Rules of Appellate Procedure. The proposed amendments would provide permanent, broader authorization for the remote conduct of court proceedings.

[SC21-43 Elaine Dial v. Calusa Palms Master Associations, Inc., et al.](#)

Lee County - begins about 10:00 a.m.

Elaine Dial and her husband filed a negligence action against Calusa Palms Master Association, Inc. after Mrs. Dial tripped and fell on Calusa Palms' property. The Dials sought to introduce the total amount of Mrs. Dial's past medical bills — \$120,424.36—but the trial court limited the Dials to introducing a discounted amount of \$34,641.69, which included amounts paid by Medicare, private insurance, and the Dials. A jury awarded the Dials \$34,641.69 in past medical expenses. The Dials appealed to the Second District Court of Appeal arguing that the trial court erroneously limited them to introducing medical bills showing the reduced amounts medical providers accepted from Medicare instead of the full amount charged. The Second District affirmed the trial court's ruling but certified a question of great public importance to this Court.

-- 10-minute break --

[SC20-1311 Bruce Kyle Emerson v. Kyle Michael Lambert, et al.](#)

Pasco County - begins about 10:50 a.m.

Lambert collided with a motorcycle ridden by Emerson, who suffered severe injuries that have left him a quadriplegic. Emerson filed a negligence lawsuit against Lambert as the automobile driver, Lambert's father as the title owner, and Lambert's mother under the dangerous instrumentality doctrine. A jury awarded Emerson \$27 million in total damages, and the Lamberts appealed. The Second District Court of Appeal reversed the trial court ruling against the mother and remanded with instructions to enter judgment in accordance with the opinion. The Second DCA certified a question of great public importance regarding vicarious liability of multiple family members of the same household under the dangerous instrumentality doctrine. This appeal followed.

Wednesday, February 9, 2022

[SC19-1366 State of Florida v. John Garcia](#)

Miami-Dade County - Begins at 9:00 a.m. ET

Garcia was convicted of second-degree grand theft and second-degree murder in the 2013 disappearance of Larissa Macriello. Garcia appealed, and the Third District Court of Appeal reversed the second-degree murder conviction and reduced the second-degree grand theft conviction to third-degree grand theft. The

State of Florida asks this Court for review, arguing that the Third DCA applied a special standard of review for convictions supported entirely by circumstantial evidence that this Court has since abandoned and the decision conflicts with other appellate court decisions.

[SC21-303 LULAC Florida Educational Fund, Inc. v. Gary F. Clark, Etc., et al.](#)
Begins about 9:40 a.m.

The League of United Latin American Citizens of Florida Education Fund, Inc. (LULAC) appeals a final order of the Public Service Commission that approved Duke Energy's Clean Energy Connection Program. This creates ten new solar power plants and a subscription fee program that allows customers to contribute money towards the program in exchange for bill credits. LULAC asks this Court for review, arguing that the program is not in the best interest of the public and the approval of the program violates Florida Law.

-- 10-minute break --

[SC20-1589 Quentin Marcus Truehill v. State of Florida](#) & [SC21-828 Quentin Marcus Truehill V. Ricky D. Dixon, Etc.](#)
St. Johns County - begins about 10:30 a.m.

Truehill was convicted of the 2010 first-degree murder and kidnapping of Vincent Binder. The trial court sentenced him to death, and this Court affirmed the judgment and death sentence on direct appeal. Truehill filed a postconviction challenge in the trial court, raising several issues. His claims were denied, and this appeal followed. Truehill has also filed a habeas corpus petition.

Thursday, February 10, 2022

[SC19-1340 The Florida Bar v. Elizabeth Jayne Anderson](#)
Begins at 9:00 a.m. ET

This is Anderson's second attorney discipline case pending before this Court. In this case, The Florida Bar accused Anderson, among other things, of failing to notify a client of her impending suspension as required by the Bar rules. The judge-referee recommends that this Court find Anderson guilty, issue a public reprimand, and assess the Bar's costs. The Bar argues for a one-year suspension and also asks this Court to consider the cumulative misconduct in both cases and disbar Anderson.

[SC21-24 Tribeca Asset Management, Inc. v. Ancla International, S.A.](#)
Miami-Dade County - begins about 9:30 a.m.

Ancla International, S.A. (Ancla) and Tribeca Asset Management, Inc. (Tribeca), both foreign entities, allegedly entered into an agreement, and Ancla filed a petition seeking to compel Tribeca to arbitrate a dispute in Florida. Tribeca filed a motion to dismiss, arguing that the Florida trial court did not have jurisdiction over Tribeca. The trial court agreed and dismissed the case, ruling that it did not have jurisdiction over Tribeca because the disputed language in the agreement only contained a choice of law clause. The Third District Court of Appeal reversed the trial court's dismissal and held that Florida's Arbitration Code, through the agreement, gave the trial court jurisdiction over Tribeca. Tribeca seeks this Court's review, arguing the Third DCA's decision conflicts with other appellate court decisions.

-- 10-minute break --

[SC21-249 Young Bock Shim, et al. v. Frederick F. Buechel, Etc., et al.](#)
Orange County - begins about 10:20 a.m.

After prevailing at trial, Buechel and others moved to compel Shim to turn over foreign assets to satisfy the outstanding judgment debt. Buechel argued that pursuant to Florida law and the trial court's undisputed personal jurisdiction over the parties, the trial court had the authority to order Shim to act on the foreign assets, specifically \$4 million held by Shim in South Korea. The trial court denied the motion, finding it lacked jurisdiction over foreign property. The Fifth District Court of Appeal reversed and certified conflict with another district court that reached the opposite conclusion. This review follows.

[SC21-537 In Re: Amendments to Florida Rule of Criminal Procedure 3.851 and Florida Rule of Appellate Procedure 9.142](#)
Begins at 11:30 a.m. (Remote OA)

On its own motion, this Court is considering amendments to Florida Rule of Criminal Procedure 3.851 (Collateral Relief After Death Sentence Has Been Imposed and Affirmed on Direct Appeal) and Florida Rule of Appellate Procedure 9.142 (Procedures for Review in Death Penalty Cases). Several amendments to rule 3.851 are under consideration, including removing the provision that death-sentenced offenders cannot represent themselves in postconviction proceedings. The Court received numerous comments upon seeking input from various committees and interested persons.