



# Supreme Court of Florida

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## Oral Argument Press Summaries

**June 8 & 9** no cases on June 6, 7, and 10

**Wednesday, June 8, 2022**

[SC21-567 Weston Property & Casualty Insurance Company v. Riverside Club Condominium Association, Inc.](#)

Collier County – Begins at 9:00 a.m. ET

Riverside Club Condominium Association filed an insurance claim for property damage sustained during Hurricane Irma. When Weston Property and Casualty Insurance Company issued payment for only a portion of Riverside’s estimate of losses, Riverside filed a lawsuit. Before trial, the judge ordered an appraisal of the property damage over Weston’s objection. Weston appealed the order to the Second District Court of Appeal, arguing among other things that an appraisal is improper until a court decides if coverage exists. The Second DCA affirmed the trial court order, and this appeal followed. Weston asks this Court for review, arguing that the Second DCA decision conflicts with decisions from other appellate courts.

[SC21-1407 Fred Somers v. United States of America](#)

Begins about 9:40 a.m.

The United States Court of Appeals for the Eleventh Circuit certifies questions to this Court regarding whether Florida's assault law requires specific intent.

**10-minute break**

[SC15-391 James Herard v. State of Florida](#)

Broward County – **rescheduled**

Herard was convicted of the first-degree murder of Eric Jean-Pierre, who was shot to death in 2008. The jury voted 8 to 4 to recommend a death sentence, and the trial court sentenced Herard to death. This is his direct appeal.

[SC21-119 Garrett Statler v. State of Florida](#)

Alachua County – begins about 10:50 a.m.

Statler was convicted of sexual battery upon a person over 18 years of age. He appealed to the First District Court of Appeal, arguing that Florida's sexual-battery statute is unconstitutional. The First DCA upheld Statler's conviction, and this appeal followed. This Court exercised discretionary review because the district court expressly declared valid the sexual battery statute.

**Thursday, June 9, 2022**

[SC21-917 Nicole "Nikki" Fried, Etc. v. State of Florida, et al.](#)

Leon County – Begins at 9:00 a.m. ET

Municipalities, counties, elected representatives, and one private citizen challenged the validity of civil penalties for violations of a Florida preemption statute, which prohibits local governments from regulating firearms and ammunition. The trial court ruled that the civil penalties were invalid because they violated legal immunities for local officials and governments. The First District Court of Appeal reversed the trial court's decision, holding that the civil penalties were valid. The parties challenging the civil penalties, including Nicole "Nikki" Fried, in her role as Commissioner of Florida's Department of Agriculture and Consumer Services, appealed the First DCA's decision, arguing that legal immunities for local officials and governments prohibit the civil penalties.

[SC21-1717 Beach Boulevard, LLC v. Live Oak Banking Company](#)

Begins about 9:40 a.m.

The United States Court of Appeals for the Eleventh Circuit certifies three questions of statutory interpretation to this Court concerning Florida's safe-harbor provision that covers certain errors and omissions in financial statements.

**10-minute break**

[SC21-175 Brinda Coates, Etc. V. R.J. Reynolds Tobacco Company](#)

Orange County – begins about 10:30 a.m.

As personal representative of her deceased sister's estate, Brinda Coates filed a wrongful death action against R.J. Reynolds Tobacco Company, alleging that her sister's death resulted from smoking R.J. Reynolds' cigarettes. At trial, the jury awarded \$16 million in punitive damages and \$150,000 in compensatory damages. On appeal, the Fifth District Court of Appeal held that the punitive damages award was excessive under state and federal law and certified a question of great public importance to this Court for review.

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