

THIRD DISTRICT COURT OF APPEAL OF FLORIDA

Lupetto, Inc. v. South Bay Developers Group LLC

Lupetto · No. Nos. 3D19-2273 and 3D19-2011 · Decided November 25, 2020

SUMMARY

The Third District Court of Appeal of Florida affirmed the lower court's decision in an appeal involving Lupetto, Inc. and South Bay Developers Group LLC. The court relied on its prior decision in the same case and noted that an action for declaratory judgment may constitute an action to enforce a lease or other written instrument for purposes of awarding attorney's fees.

CASE DETAILS

COURT	Third District Court of Appeal of Florida
WRITING FOR THE COURT	Chief Judge Ivan F. Fernandez; Judge Thomas Logue Lindsey; Judge Alexander S. Gordo
JURISDICTION	Florida
DECIDED	November 25, 2020
DOCKET	Nos. 3D19-2273 and 3D19-2011
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeals from the Circuit Court for Miami-Dade County; the Third District Court of Appeal affirmed.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Lupetto, Inc. v. South Bay Developers Group LLC, et al.

TOPICS

[appellate procedure](#)[declaratory judgment](#)[remedies](#)[commercial litigation](#)[contracts](#)

PRACTICE AREAS

[appellate procedure](#)[contracts](#)[remedies](#)[commercial litigation](#)

QUESTIONS PRESENTED

1. Whether the circuit court's ruling should be affirmed in light of the court's prior decision in Lupetto Inc. v. South Bay Developers Group LLC.

2. Whether a suit for declaratory judgment may constitute an action to enforce the terms and conditions of a lease or other written instrument for purposes of awarding attorney's fees to a prevailing party.

HOLDINGS

1. The circuit court's ruling was affirmed.
2. For purposes of awarding attorney's fees to a prevailing party, a suit for declaratory judgment may constitute an action to enforce the terms and conditions of a lease or other written instrument.

KEY QUOTATIONS

“[F]or the purpose of awarding attorney's fees to a prevailing party, a suit for declaratory judgment may constitute an action to enforce the terms and conditions of a lease or other written instrument.” (705 So. 2d at 1364)

PROCEDURAL HISTORY

Lupetto, Inc. appealed circuit-court proceedings in Miami-Dade County under lower tribunal case number 15-13820. The Third District Court of Appeal affirmed, citing a prior decision in the same matter and related authority concerning attorney's fees in declaratory-judgment actions.

DISPOSITION

affirmed

CASES CITED

- Lupetto Inc. v. South Bay Developers Grp. LLC, 302 So. 3d 1061 (Fla. 3d DCA 2020)
- Careers USA, Inc. v. Sanctuary of Boca, Inc., 705 So. 2d 1362 (Fla. 1998)

OPINION

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed November 25, 2020. Not final until disposition of timely filed motion for rehearing. _____ Nos. 3D19-2273 and 3D19-2011 Lower Tribunal No. 15-13820 _____ Lupetto, Inc., Appellant, vs. South Bay Developers Group LLC, et al., Appellees. Appeals from the Circuit Court for Miami-Dade County, Abby Cynamon, Judge.

Crabtree & Auslander, LLC, and Charles M. Auslander, John G. Crabtree, Linda Ann Wells and Brian C. Tackenberg; Jorge L. Guerra, P.A., and Jorge L. Guerra, for appellant. Waldman Barnett, P.L., and Glen H. Waldman and Michael A. Azre, for appellees.

Before EMAS, C.J., and LINDSEY and GORDO, JJ. PER CURIAM. Affirmed. See Lupetto Inc. v. South Bay Developers Grp. LLC, 302 So. 3d 1061 (Fla. 3d DCA 2020). See also Careers USA,

Inc. v. Sanctuary of Boca, Inc., 705 So. 2d 1362, 1364 (Fla. 1998) (“[F]or the purpose of awarding attorney's fees to a prevailing party, a suit for declaratory judgment may constitute an action to enforce the terms and conditions of a lease or other written instrument.”) 2

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/third-district-court-of-appeal-of-florida/2020/lupetto-inc-v-south-bay-developers-group-llc-ey2snfy8>