

## 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)