

SIXTH DISTRICT COURT OF APPEAL OF FLORIDA

CBRE, Inc. v. DidierGroup, LLC, Blake Plumley, Capital Pursuits, LLC, and Rison Corners Property, LLC

CBRE · No. 6D2023-3011 · Decided March 13, 2026

SUMMARY

The Florida Sixth District Court of Appeal held that the trial court erred by summarily denying CBRE, Inc.'s request for a setoff based on a settlement between DidierGroup, LLC and Rison Corners Property, LLC. Because identical damages were alleged against CBRE and Rison Corners, the court reversed the order denying setoff and remanded for determination of the proper amount and entry of an amended final judgment. The court otherwise affirmed.

CASE DETAILS

COURT	Sixth District Court of Appeal of Florida
WRITING FOR THE COURT	Nardella, J.; Stargel, J.; Smith, J.
JURISDICTION	Florida Sixth District Court of Appeal
DECIDED	March 13, 2026
DOCKET	6D2023-3011
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	CBRE appealed after a jury trial in which it was found liable for tortious interference with a business relationship and aiding and abetting a breach of fiduciary duty. The trial court denied CBRE's posttrial motion for a setoff based on a settlement between DidierGroup and Rison Corners Property, LLC.
STANDARD OF REVIEW	The opinion does not expressly state a standard of review. It reviews the trial court's denial of statutory setoff following trial for legal error.
PRECEDENTIAL VALUE	precedential
PARTIES	CBRE, Inc. v. DidierGroup, LLC, Blake Plumley, Capital Pursuits, LLC, Rison Corners Property, LLC

TOPICS

- civil procedure
- remedies
- damages
- commercial litigation
- appellate procedure

PRACTICE AREAS

civil procedure

remedies

torts

commercial litigation

appellate procedure

QUESTIONS PRESENTED

1. Whether CBRE was entitled to a setoff under sections 768.041(2) and 46.015(2), Florida Statutes, based on DidierGroup's settlement with Rison Corners Property, LLC.
2. Whether the damages asserted against CBRE and Rison Corners Property, LLC were identical such that denying a setoff could result in duplicate recovery.

HOLDINGS

1. The trial court erred by summarily denying CBRE's motion for setoff because CBRE showed that DidierGroup sought identical damages from CBRE and Rison Corners Property, LLC after settling with Rison Corners.

KEY QUOTATIONS

“Setoff statutes are “designed to prevent duplicate or overlapping compensation for identical damages.”” (at 2)

“The test for determining whether a double recovery would result in the absence of a setoff is whether the damages “sued for” against the settling parties and the non-settling parties are “identical.”” (at 2)

FACTUAL BACKGROUND

DidierGroup asserted claims for tortious interference and aiding and abetting breach of fiduciary duty against both CBRE and Rison Corners Property, LLC. DidierGroup sought actual damages, including actual or anticipated profits. Before trial, DidierGroup settled with Rison Corners, and CBRE sought a setoff to prevent recovery of the same damages from both the settling and nonsettling defendants.

PROCEDURAL HISTORY

DidierGroup sued CBRE and Rison Corners Property, LLC, among others, asserting claims for tortious interference and aiding and abetting breach of fiduciary duty. DidierGroup settled with Rison Corners before trial, and the trial court permitted CBRE to assert setoff as an affirmative defense. After the jury found CBRE liable, the trial court summarily denied CBRE's motion for setoff. The Sixth District Court of Appeal affirmed in part, reversed the order denying setoff, and remanded for calculation of the proper setoff and entry of an amended final judgment.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must determine the proper amount of the setoff arising from the Rison Corners Property, LLC settlement and enter an amended final judgment. The judgment was affirmed in all other respects.

CASES CITED

- Addison Constr. Corp. v. Vecellio, 240 So. 3d 757, 764, 767 (Fla. 4th DCA 2018)
- Cornerstone SMR, Inc. v. Bank of Am., N.A., 163 So. 3d 565, 569 (Fla. 4th DCA 2015)

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