

FIRST DISTRICT COURT OF APPEAL OF FLORIDA

Dyck-O'Neal, Inc. v. Alice Cislo

No. 1D17-2151 · No. No. 1D17-2151 · Decided February 5, 2019

SUMMARY

The Florida Supreme Court quashed the First District Court of Appeal’s prior decision and remanded the case for reconsideration in light of Dyck-O’Neal, Inc. v. Lanham. On remand, the First District reversed the trial court’s dismissal and remanded for a determination on the merits of Dyck-O’Neal’s deficiency claim.

CASE DETAILS

COURT	First District Court of Appeal of Florida
WRITING FOR THE COURT	B.L. Thomas, C.J.; Lewis, J.; Makar, J.
JURISDICTION	Florida
DECIDED	February 5, 2019
DOCKET	No. 1D17-2151
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	On remand from the Florida Supreme Court after that court quashed the First District's prior decision and directed reconsideration in light of Dyck-O'Neal, Inc. v. Lanham.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Dyck-O'Neal, Inc. v. Alice Cislo

TOPICS

- appellate procedure
- commercial litigation
- remedies

PRACTICE AREAS

- appellate procedure
- commercial litigation
- remedies

QUESTIONS PRESENTED

1. Whether, in light of Dyck-O'Neal, Inc. v. Lanham, the trial court's dismissal of Dyck-O'Neal's deficiency claim should stand.

HOLDINGS

1. The trial court's dismissal order must be reversed, and the case remanded for determination on the merits of Dyck-O'Neal's deficiency claim.

KEY QUOTATIONS

“In compliance with the Florida Supreme Court's directive, we reverse the trial court’s dismissal order and remand this case for determination on the merits of Dyck-O’Neal’s deficiency claim.” (2)

FACTUAL BACKGROUND

The opinion concerns Dyck-O'Neal's deficiency claim against Alice Cislo. The Taylor County Circuit Court dismissed the claim, and the appellate proceedings were remanded by the Florida Supreme Court for reconsideration in light of Lanham.

PROCEDURAL HISTORY

Dyck-O'Neal appealed a Taylor County Circuit Court order dismissing its deficiency claim. The Florida Supreme Court quashed the First District's prior decision and remanded for reconsideration under Lanham. On remand, the First District reversed the trial court's dismissal order and remanded for a merits determination.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must determine the merits of Dyck-O'Neal's deficiency claim.

CASES CITED

- Dyck-O'Neal, Inc. v. Lanham, 43 Fla. L. Weekly S278 (Fla. July 5, 2018)