FLORIDA THIRD DISTRICT COURT OF APPEAL

940 Ocean Drive, LLC v. Sobe USA, LLC

940 Ocean Drive · No. Nos. 3D22-1323 & 3D22-2238 · Decided April 2, 2025

SUMMARY

The Florida Third District Court of Appeal denied 940 Ocean Drive, LLC’s motion for rehearing and clarification. The court explained that the trial court’s fee judgment had been affirmed without discussion and clarified that its reversal of the punitive-damages award required further proceedings concerning both entitlement and amount because the tenant had not met the clear-and-convincing-evidence burden.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	Chief Judge Logue; Judge Lindsey; Judge Bokor
JURISDICTION	Florida Third District Court of Appeal
DECIDED	April 2, 2025
DOCKET	Nos. 3D22-1323 & 3D22-2238
DISPOSITION	other
PROCEDURAL POSTURE	On the Landlord's motion for rehearing and clarification following the appellate court's affirmance of the trial court's fee judgment and reversal and remand of the punitive-damages award.
PRECEDENTIAL VALUE	Published opinion
PARTIES	940 Ocean Drive, LLC v. Sobe USA, LLC

TOPICS

appellate procedure · sanctions · damages · attorney fees · commercial litigation

PRACTICE AREAS

appellate procedure · civil procedure · commercial litigation · real estate · remedies

QUESTIONS PRESENTED

1. Whether the appellate court overlooked or failed to adjudicate the trial court's fee judgment.

2. Whether the remand for further proceedings concerning punitive damages included both entitlement to punitive damages and the amount of punitive damages.

HOLDINGS

1. The court did not overlook the fee judgment; the fee judgment was affirmed without discussion, and the motion for rehearing and clarification was denied.
2. The remand included a retrial on both entitlement to punitive damages and the amount of punitive damages.

KEY QUOTATIONS

> *"Because the Tenant did not establish at trial, by clear and convincing evidence, entitlement to punitive damages, we reversed the punitive damages award and remanded for further proceedings."* (2)

> *"Therefore, while we take no position on the propriety of any particular amount, the amount awarded here suffered from the same procedural flaw as the entitlement portion."* (2)

FACTUAL BACKGROUND

The trial court entered a sanctions order and, based on that order, awarded Sobe USA, LLC attorney fees and costs through June 30, 2022. The trial court also awarded punitive damages. The appellate court determined that Sobe USA had not established entitlement to punitive damages by clear and convincing evidence under the applicable burden-shifting sanction.

PROCEDURAL HISTORY

The trial court entered a sanctions order and a fee judgment awarding Sobe USA, LLC fees and costs through June 30, 2022. The appellate court affirmed the fee judgment without discussion but reversed the punitive-damages award and remanded for further proceedings. On rehearing and clarification, 940 Ocean Drive, LLC argued that the court had overlooked the fee judgment and sought clarification regarding the scope of the punitive-damages remand.

DISPOSITION

other

REMAND INSTRUCTIONS

The further proceedings on punitive damages include a retrial on both entitlement to punitive damages and the amount of punitive damages.

CASES CITED

- Shayne v. Saunders, 176 So. 495, 496 (Fla. 1937)

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