



Supreme Court of Florida

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Oral Argument Press Summaries

December 9, 2020 no cases on December 7, 8, 10, and 11

Wednesday December 9, 2020

[SC19-1920 OneWest Bank FSB v. Luisa Palmero, et al.](#)

Dade County - Begins at 9:00 a.m. ET

OneWest Bank filed a foreclosure action against Luisa Palmero after her husband's death to collect on a reverse mortgage. Palmero claimed that OneWest could not seek to foreclose because she is a surviving borrower. The trial court ruled that Palmero is not a borrower under the reverse mortgage contract but held that OneWest Bank could not seek to foreclose due to Federal law. OneWest Bank appealed to the Third District Court of Appeal and lost. This Court accepted OneWest Bank's petition for discretionary review.

[SC19-1998 Suzuki Motor Corporation, Etc. v. Scott Winckler](#)

Begins about 9:40 a.m.

Scott Winckler sued Suzuki Motor Corporation after sustaining injuries while riding a Suzuki motorcycle. Winckler sought to question the corporation's chairman and CEO about possible known defects in the front brake. Suzuki objected, asking the trial court to apply the "apex doctrine" that provides discovery

protections to top-ranking officials. The trial court denied Suzuki's request and Suzuki challenged the trial court's ruling. The First District Court of Appeal upheld the trial court's ruling and certified a question of great public importance to this Court.

-- 10-minute break --

[SC18-822 Donald James Smith v. State of Florida](#)

Duval County - begins about 10:30 a.m.

Smith was convicted of the first-degree murder of eight-year-old Cherish Perrywinkle, who was kidnapped, raped, and strangled to death in 2013. The jury voted 12-0 to recommend a death sentence, and the trial court sentenced Smith to death. This is his direct appeal.

[SC19-1923 Laboratory Corporation of America, et al. v. Patty Davis, Etc., et al. & SC19-1936 Sheridan Radiology Services of Pinellas, Inc., et al. v. Patty Davis, Etc., et al.](#)

Hillsborough County - begins about 11:30 a.m.

In these consolidated cases, Patty Davis sued Laboratory Corporation of America and Sheridan Radiology Services of Pinellas, alleging violations of the Florida Consumer Collection Practices Act. In each case, the trial court ruled that the circuit court has no authority under Florida law to decide the issues and dismissed Davis' claims. Davis appealed, and the Second District Court of Appeal reversed the trial court and certified a question of great public importance to this Court.

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