

Selected Opinions of Gary M. Farmer, SR.

Alvarez v. Cooper Tire & Rubber Co., 2010 WL 4861514, 35 Fla. L. Weekly D2630 (Fla. 4th DCA Dec. 15, 2010) (scope of discovery allows fishing for information relevant to subject matter of dispute; unreasonable limit on discovery by plaintiff prejudicial error requiring new trial).

Funny Cide Funny Cide Ventures, LLC v. Miami Herald Publishing Co., 955 So.2d 1241 (Fla. 4th DCA May 16, 2007) (Farmer, J., concurring) (opinion written in style of fiction by Damon Runyon and Frank Loesser).

Gouveia v. Phillips, 823 So.2d 215 (Fla. 4th DCA 2002) (explaining origins of medical malpractice theory of liability).

Coyle v. City of Fort Lauderdale, 785 So.2d 1254 (Fla. 4th DCA 2001) (Farmer, J., dissenting) (belated appeal; due diligence when trial judge fails to advise of right to appeal).

Puryear v. State, 774 So.2d 846, 852-53 (Fla. 4th DCA 2000) (en banc) (Farmer, J., dissenting), *decision quashed*, 810 So.2d 901 (Fla. 2002) (supreme court does not impliedly overrule itself without specific consideration).

Cotton v. State, 763 So.2d 437 (Fla. 4th DCA 2000) (Farmer, J., concurring) (hearsay exception *res gestae*; exclusion of criminal defendant's spontaneous protest of innocence to police officer is illogical and unjust).

Sholkoff v. Boca Raton Community Hospital, 693 So.2d 1114 (Fla. 4th DCA 1997) (attorneys fees and strict construction).

Di Mare & Drews, Inc. v. Kerrigan, 810 So.2d 1066 (Fla. 4th DCA 2002) (no error in failing to describe to jury the specific negligence issue it must determine where neither party requested it; owner of property with dangerous condition legally prohibited from disclaiming knowledge of dangerous condition).

Slawson v. Fast Food Enterprises, 671 So.2d 255 (Fla. 4th DCA 1996) (owner or property liable for assault of patron by third party).

Pinecrest Lakes, Inc. v. Shidel, 795 So.2d 191 (Fla. 4th DCA 2001) (upholding order to tear down five 4-story buildings for noncompliance with land use plan).

Forum v. Boca Burger, Inc., 788 So.2d 1055 (Fla. 4th DCA 2001), *approved in part and disapproved in part*, 912 So.2d 561 (Fla. 2005) (lawyers duty of candor)

King ex rel. Murray v. Rojas, 767 So.2d 510 (Fla. 4th DCA 2000) (birth injury caused by gynecological condition in mother at birth did not give immediate notice of negligence by neonatal pediatrician and hospital staff; limitations defense not determinable summarily by judge)

Marshall v. Moore, 745 So.2d 464 (Fla. 4th DCA 1999) (the prize for chutzpah)

State v. Marks, 758 So.2d 1131, 1135-36 (Fla. 4th DCA 2000) (ethics of PI atty negotiating settlement)

Meyer v. Caruso, 731 So.2d 118 (Fla. 4th DCA1999) (limits of discretion to disqualify medical expert)

Reynolds v. State Farm Mut. Auto. Ins. Co., 611 So.2d 1294 (Fla. 4th DCA1992) (impact rule; arguing that long term cohabitation, planning to get married, enough to state claim for psychic damages).

Rowley v. State, 939 So.2d 298 (Fla. 4th DCA 2006) (arguing improper refusal to allow cross exam of police officer about past incident demonstrating lack of control and bad judgment).

Fabian v. State, 585 So.2d 1158 (Fla. 4th DCA1991) (words “son-of-a-bitch” not necessarily directed to trial judge but instead suggest enormity; contempt powers misused in circumstances).

W.M. v. State, 585 So.2d 979 (Fla.4th DCA 1991) (arguing that 10 year old cognitively impaired child not capable of waiving Miranda rights).

In re Adoption of Baby E.A.W., 647 So.2d 918 (Fla. 4th DCA 1994), *approved*, 658 So.2d 961 (Fla.1994) (arguing that unmarried birth father did not legally “consent by abandonment” to adoption by being cold and indifferent to mother during pregnancy).

Collazo v. State, 966 So.2d 429 (Fla. 4th DCA 2007) (SCOF agreed with dissent in *Mendenhall v. State*, 48 So.3d 740)

D.F. v. State, 682 So.2d 149 (Fla. 4th DCA 1996) (SCOF agreed with dissent in

Jenkins v. State, 978 So.2d 116)

Gartrell v. State, 609 So.2d 112 (Fla. 4th DCA 1992) (SCOF agreed with dissent on review)

Branca v. City of Miramar, 602 So.2d 1374 (Fla. 4th DCA 1992) (SCOF agreed with dissent on review)

Thomason v. State, 594 So.2d 310 (Fla. 4th DCA 1992) (SCOF agreed with dissent on review)

State v. Mozo, 632 So.2d 623 (Fla. 4th DCA 1995) (SCOF agreed with concurrence on review)

McMullen v. State, 660 So.2d 340 (Fla. 4th DCA 1995) (SCOF agreed with concurrence on review)