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Banking Law, Debt Collection, Property Law & Real Estate

Fadili v. Deutsche Bank National Trust, No. 14-1381

In this case, plaintiff seeks to halt foreclosure proceedings on a vacant lot, claiming that he holds title to the property. On cross-motions for summary judgment, the district court ruled defendant-bank's favor. Judgment is affirmed, where plaintiff cannot establish valid title to the vacant lot, nor does he any basis to contest his daughter's title to the property or her mortgage agreement with defendant-bank.

Dispute Resolution & Arbitration

Joca-Roca Real Estate v. Brennan, No. 14-1353

In this case, the two parties provided under contract that any dispute arising from that contract would be resolved by arbitration. Judgment of the lower court finding a conduct-based waiver of the arbitration clause and denying plaintiff's motion to stay court proceedings in order to clear the way for arbitration is affirmed, where: 1) the district court did not err in concluding that the plaintiff has, through its conduct, waived its right to demand arbitration; and 2) defendant demonstrated that granting a stay would cause him prejudice.

Civil Procedure, Injury & Tort Law

Sun v. Ven-A-Care of the Florida Keys, No. 13-1732

In this case, a lawsuit was brought under the false Claims Act against a pharmaceutical company for allegedly defrauding the federal Medicaid and Medicare programs. The False Claims Act allows private party "relators" to stand in for the United States and bring qui tam actions to recover damages for wrongs done to the United States. Dismissal of plaintiffs' suit is affirmed, where: 1) the first-to-file rule blocks qui tam suits that are filed while similar enough qui tam suits are already pending; and 2) plaintiffs' qui tam suit was blocked by the first-to-file rule because a pharmacy brought a similar qui tam suit a few years prior.