

Previous Updates

On October 26, 2020, the Court entered the Order Granting Motion to Bifurcate and Stay Individual Claims Pending Class Action Trial, in which the Court bifurcated and stayed the individual claims not certified for class representation (the "Individual Claims").

On June 16, 2021, the Court entered the Order on Pretrial Matters, in which the Court reserved ruling on the equitable relief sought in the certified Counts 2, 5, and 6 until after the jury reached a verdict on Count 8.

On June 17, 2021, the Court entered the Order Setting Pretrial Conference and Jury Trial and Directing Mediation, scheduling a jury trial for November 8, 2021 and various pretrial deadlines including a pretrial conference on October 28, 2021. Thereafter, Plaintiffs and Defendants filed motions for summary judgment under the new Florida Rule of Civil Procedure 1.510, effective May 1, 2021. The Court heard argument on July 19, August 18, and September 10, 2021.

The Court entered the following Orders on October 12, 2021: Order Granting Plaintiffs Motion for Partial Summary Judgment on Avatar's Third Affirmative Defense based on Section 720.302(3)(b), Florida Statutes; Order Granting Plaintiff's Motion for Partial Summary Judgment as to Liability for Violation of Section 720.308, Florida Statutes; Order Denying Defendants' Renewed Motion for Final Summary Judgment and Incorporated Memorandum of Law; Order Denying Defendant's Motion for Reconsideration of Court's Oral Ruling on Section 720.3086, Florida Statutes on April 22, 2021; Order Granting Plaintiff's Motion for Reconsideration and/or Clarification Regarding Ruling on Affirmative Defenses 7, 8, and 9 dated July 15, 2021, and Striking Same.

In the Orders entered on October 12, 2021, the Court ruled that "the Club Membership Fee is an illegal assessment" and rejected various defenses that Avatar raised regarding its liability for violating the Homeowners' Association Act.

On November 2, 2021, the Court entered a Final Judgment on Counts 6 and 8 in favor of Plaintiffs and the Class and against Avatar and an Order Granting Motion to Sever and Hold in Abeyance Counts 2 and 5 and the Individual Claims.

On November 29, 2021, the Defendant Avatar Properties, Inc. filed an appeal regarding the Court's November 2021 Final Judgment in Plaintiffs' favor. On June 22, 2023, The Florida Sixth District Court of Appeal agreed with the trial court's decision, affirmed the Final Judgment. The Defendant subsequently filed a petition to invoke discretionary jurisdiction of The Florida Supreme Court and, on November 2, 2023, The Florida Supreme Court denied that petition. On November 7, 2023, the Florida Sixth District Court of Appeal issued a mandate to the trial court for further proceedings consistent with its opinion. A copy important documents can be found on the Court Documents page of this website.

On January 17, 2024, the Court entered the Order Following Case Management Conference available on the Court Documents page of this website. Hearings have been scheduled on July 2, 2024 and July 29-30 regarding the prejudgment interest dispute and attorneys' fees and expenses, respectively.

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On September 19, 2024, the Court held a case management hearing. During the hearing, Judge McDaniel indicated that he would provide rulings on attorneys' fees, pre-judgement interest and the turnover claim. A final distribution hearing is expected to occur before the end of the year.

The Court has scheduled a hearing on December 17, 2024 at 1:00 PM regarding the Motion for Final Distribution to the Solivita Class and Approval of Class Counsel Fees and Expenses and Incentive Awards to Plaintiffs. These documents are available on the Court Documents page of this website. Further updates will be posted prior to the hearing.

On December 16, 2024, the Court entered an Order, available on the Court Documents page, amending the Courtroom to Courtroom # 7B.