

Bond Case Briefs

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ATTORNEYS' CHARGING LIENS - FLORIDA

Miami Dade College v. Nader + Museu I, LLP

District Court of Appeal of Florida, Third District - October 18, 2023 - So.3d - 2023 WL 6852277 - 48 Fla. L. Weekly D2012

After competing judgments were entered for bidder and for college in two separate lawsuits arising from bid protest dispute, the Circuit Court denied college's motions to offset its larger judgment against bidder's smaller judgment. College appealed.

The District Court of Appeal held that:

- Attorneys' charging liens did not have priority over college's right to offset, and
- Collateral estoppel did not bar college from filing motion to offset.

Attorneys' charging liens did not have priority over college's right to offset its larger judgment against bidder's smaller judgment, after competing judgments were entered for bidder and for college in two separate lawsuits arising from bid protest dispute; right of set-off generally prevailed so as to interfere with attorneys' lien upon debt recovered, and attorneys' charging liens attached to judgment in first lawsuit, which was entered after judgment for college in second lawsuit.

Matter was not "fully litigated" or determined in first lawsuit, and thus collateral estoppel did not bar college from filing motion in second lawsuit to offset its larger judgment against bidder's smaller judgment, after competing judgments were entered for bidder and for college in two separate lawsuits arising from bid protest dispute, although trial court in first lawsuit denied college's motion to offset filed in that lawsuit; trial court in first lawsuit did not declare rights or duties of bidder or college based on ultimate facts, but simply concluded it did not have jurisdiction over judgment in second lawsuit.