

Third District Court of Appeal

State of Florida

Opinion filed March 7, 2018.
Not final until disposition of timely filed motion for rehearing.

Nos. 3D16-2538
Lower Tribunal No. 10-43000

Regions Bank, etc.,
Appellant,

vs.

American Leisure Resorts, Inc., et al.,
Appellees.

An Appeal from the Circuit Court for Miami-Dade County, Lisa S. Walsh,
Judge.

Garbett, Allen & Roza, P.A. and Philip A. Allen, III, David S. Garbett and
Brian P. Yates, for appellant.

León Cosgrove, LLC, and James R. Bryan, Scott B. Cosgrove and Jordi C.
Martinez-Cid; Marcos D. Jimenez, P.A., and Marcos Daniel Jimenez; Ross &
Girten, and Lauri Waldman Ross, for appellee CDR Créances, S.A.S.

Before SALTER, EMAS and FERNANDEZ, JJ.

PER CURIAM.

Affirmed. See Cahill v. Regan, 5 N.Y.2d 292 (N.Y. 1959) (holding that, in construing the meaning and coverage of a general release, the court must consider the controversy being settled and the purpose for which the release was actually given); Glassberg v. Lee, 918 N.Y.S. 2d 554, 555 (N.Y. App. Div. 2011) (holding: “While the meaning and scope of a release are determined within the context of the controversy being settled, a release cannot be read to cover matters which the parties did not intend to dispose of, and unless it is shown that a specified matter was in dispute at the time a purported release was given, it cannot be held to bar the releasor’s rights as to that matter”) (internal citations omitted); Wild v. Finger Lakes Racing Ass’n, 595 N.Y.S. 2d 590, 591 (N.Y. App. Div. 1993) (holding that “the law will not infer an intent for a party to release all persons, known and unknown, from all claims”).