October 8, 2026

Day Pitney Secures Emergency Temporary Injunction for a Commercial Tenant

Day Pitney Partner Andrew R. Ingalls and Associate Alfredo Dally obtained an order granting an emergency temporary mandatory and prohibitory injunction for a commercial tenant ("the Client") following a contested evidentiary hearing in Miami-Dade County Circuit Court.

The dispute concerned the original landlord's refusal to consent to a proposed sublease and its attempted partial recapture of the sublease space. After acquiring the building, the successor landlord maintained the attempted recapture, asserted a resulting default, purported to terminate the Client's lease, and demanded surrender of the entire premises.

For purposes of temporary relief, the court found that the attempted partial recapture was ineffective and the Client had established a substantial likelihood that consent to the sublease was unreasonably withheld or delayed. The court ordered the successor landlord to consent within one business day, with consent deemed granted automatically if it failed to comply. The order also temporarily prohibits the successor landlord from enforcing the disputed recapture and resulting default or termination or interfering with the Client's possession and operations on those grounds. The court expressly found that the Client's right to interim mandatory relief was clear and free from reasonable doubt.

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