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RCA Records Label, Inc. v. Reyes
Fla.App. 3 Dist.,2006.

District Court of Appeal of Florida,Third District.

The RCA RECORDS LABEL, INC., Appellant,

v.

Julia Perez REYES and Evangelina Reyes de Perez,
Appellees.

No. 3D05-1079.

March 1, 2006.

Background: Appellees brought action in law for money damages against records label company. The Circuit Court, Miami-DadeCounty, [Robert Scola, J.](#), entered interlocutory order requiring company to deposit royalties for appellees into an escrow account, to be held in trust for appellees.

Holding: The District Court of Appeal, [Cortiñas, J.](#), held that Circuit Court was not authorized, in action at law for money damages, to order records label company to deposit royalties prior to entry of judgment.

Reversed and remanded with instructions.

West Headnotes

Deposits in Court 123 

[123](#) Deposits in Court

[123k1](#) k. Grounds for Permitting or Compelling Deposit; Condition of Cause. [Most Cited Cases](#)

Trial court was not authorized, in action at law for money damages, to order record label company to deposit royalties for appellees into an escrow account prior to entry of judgment.

***367** Law Offices of Karen L. Stetson; Russo Appellate Law Firm and [Elizabeth K. Russo](#), Miami, for appellant.

[Lauri Waldman Ross](#), Miami, for appellees.

Before [RAMIREZ](#), [CORTIÑAS](#), and [ROTHENBERG](#), JJ.

CONFESSION OF ERROR

[CORTIÑAS](#), Judge.

Appellant, RCA Records Label, Inc., appeals from an interlocutory order requiring it to deposit royalties for appellees, Julia Perez and Evangelina Reyes de Perez, into an escrow account, to be held in trust for appellees, prior to the entry of judgment. In its initial brief, appellant recognizes that the only matter which can be raised by interlocutory appeal is the ruling of the trial court requiring appellant to deposit funds into an escrow account prior to entry of judgment in this case and to hold these funds “in trust.” Despite appellant's invitation to address whether or not a court may impose a trust on recording royalties under any theory, we confine our review only to matters addressed by the trial court and over which we have jurisdiction.

Based on appellees' confession of error and well-established law which does not authorize a court, in an action at law for money damages, to restrain a defendant from using its unrestricted assets prior to the entry of judgment, we reverse and remand to the trial court to lift its injunction order. See [Konover Realty Assocs., Ltd. v. Mladen, 511 So.2d 705, 706 \(Fla. 3d DCA 1987\)](#); [Oxford Int'l Bank & Trust, Ltd. v. Merrill Lynch, Pierce, Fenner & Smith, Inc., 374 So.2d 54, 56 \(Fla. 3d DCA 1979\)](#).

***368** Reversed and remanded with instructions.

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