

SUPREME COURT OF FLORIDA

Tillman v. Baskin

260 So. 2d 509 (Fla. 1972) · No. No. 40765 · Decided March 22, 1972

SUMMARY

The Florida Supreme Court held that a Rule 1.420(b) motion for involuntary dismissal in a nonjury trial cannot be granted based on weighing the evidence when the plaintiff has established a prima facie case. The court adopted the approach that the trial judge should defer weighing the evidence until the close of all testimony, quashed the Fourth District Court of Appeal's decision, and remanded for a new trial.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Ervin, Justice; Carlton, J.; Adkins, J.; Dekle, J.; Roberts, C.J.; Boyd, J.; Rawls, District Court Judge
JURISDICTION	Florida
DECIDED	March 22, 1972
DOCKET	No. 40765
DISPOSITION	quashed
PROCEDURAL POSTURE	Petition for writ of certiorari to review the Fourth District Court of Appeal's affirmance of a final judgment entered after the trial court granted the defendants' motion for involuntary dismissal, described below as a directed verdict, at the close of the plaintiff's evidence in a nonjury gross-negligence action.
STANDARD OF REVIEW	The Supreme Court reviewed the legal interpretation and application of Florida Rule of Civil Procedure 1.420(b), including whether a nonjury trial judge may weigh evidence at the close of the plaintiff's case after the plaintiff has established a prima facie case.
PRECEDENTIAL VALUE	Published Florida Supreme Court decision
PARTIES	Easter Mae Tillman v. Bobbie Jean Baskin, Elizabeth Benton

TOPICS

- civil procedure
- motion for directed verdict
- appellate procedure
- standard of review
- torts

PRACTICE AREAS

civil procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether a motion under Florida Rule of Civil Procedure 1.420(b) is the proper method for obtaining judgment for a defendant after the plaintiff completes its presentation of evidence in a nonjury trial.
2. Whether a nonjury trial judge may weigh the evidence and rule for the defendant before the defendant presents evidence when the plaintiff has established a prima facie case.

HOLDINGS

1. In a nonjury trial, a Rule 1.420(b) motion for involuntary dismissal is the proper method by which a defendant may seek judgment after the plaintiff has presented its evidence; Rule 1.480 governs directed verdicts in jury trials.
2. A trial judge cannot weigh the evidence when ruling on a defendant's Rule 1.420(b) motion for involuntary dismissal following the plaintiff's presentation of a prima facie case.

KEY QUOTATIONS

“The District Court properly concluded that in a nonjury trial a Rule 1.420 (b) F.R.C.P. motion for involuntary dismissal is the proper method by which a defendant may obtain a verdict in his favor following the presentation of the plaintiff's case.” (511)

“We hold that a trial judge cannot weigh evidence when ruling on a defendant's Rule 1.420(b) F.R.C.P. motion for involuntary dismissal following the presentation of a prima facie case by a plaintiff.” (512)

FACTUAL BACKGROUND

Tillman brought a nonjury gross-negligence action against Baskin and Benton. At the close of Tillman's evidence, the trial judge granted the defendants' motion and entered judgment in their favor. The Fourth District concluded that the evidence would have been sufficient to withstand a directed verdict in a jury trial but held that a nonjury judge could weigh the evidence under the involuntary-dismissal rule.

PROCEDURAL HISTORY

The trial court granted the defendants' motion at the close of the plaintiff's case and entered final judgment for the defendants. The Fourth District Court of Appeal affirmed, holding that in a nonjury trial the motion functioned as a Rule 1.420(b) involuntary dismissal and permitted the trial judge to weigh the evidence. The Supreme Court of Florida accepted review based on an asserted conflict with *Hartnett v. Fowler and Wayjay Bakery, Inc. v. Carolina Freight Carriers Corp.*

DISPOSITION

quashed

REMAND INSTRUCTIONS

The decision of the Fourth District Court of Appeal was quashed, and the cause was remanded to the trial court for a new trial.

CASES CITED

- Hartnett v. Fowler, 94 So. 2d 724 (Fla. 1957)
- Wayjay Bakery, Inc. v. Carolina Freight Carriers Corp., 177 So. 2d 544 (Fla. 3d DCA 1965)
- Gibson v. Gibson, 180 So. 2d 388 (Fla. 2d DCA 1965)
- Tampa Wholesale Co. v. Foodtown, U.S.A., Inc., 166 So. 2d 711 (Fla. 2d DCA 1964)
- Bach v. Friden Calculating Mach. Co., 148 F.2d 407, 410 (6th Cir. 1945)
- Rogge v. Weaver, 368 P.2d 810, 813 (Alaska 1962)
- Arbenz v. Bebout, 444 P.2d 317 (Wyo. 1968)