

SUPREME COURT OF FLORIDA

Dorsey v. Reider

139 So. 3d 860 (Fla. 2014) · Decided March 27, 2014

SUMMARY

The Florida Supreme Court quashed the Third District Court of Appeal’s decision holding that Robert Reider owed no legal duty to Dennis Dorsey for injuries caused by a third party during an altercation. The Court held that Reider’s conduct created a foreseeable zone of risk and that, under the circumstances, his duty extended to injuries caused by the third party’s misconduct. The case was remanded for reinstatement of the trial court’s judgments.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Labarga, J.; Pariente, J.; Quince, J.; Perry, J.; Canady, J.; Polston, C.J.; Lewis, J. recused
JURISDICTION	Florida
DECIDED	March 27, 2014
DISPOSITION	quashed
PROCEDURAL POSTURE	Dorsey sought review of a Third District Court of Appeal decision reversing a personal-injury judgment and directing entry of judgment for Reider. The Supreme Court of Florida accepted conflict jurisdiction and reviewed whether the district court misapplied Florida’s foreseeable-zone-of-risk duty analysis.
STANDARD OF REVIEW	The existence of a legal duty is primarily a question of law for the court. The appellate court reviews whether the defendant’s conduct created a foreseeable zone of risk, rather than whether the defendant could foresee the specific injury that occurred.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Florida
PARTIES	Dennis J. Dorsey v. Robert J. Reider

TOPICS

- duty of care
- negligence
- personal injury
- appellate procedure
- proximate cause

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Reider's conduct in blocking Dorsey's escape during an escalating altercation created a legal duty of care under Florida's foreseeable-zone-of-risk test.
2. Whether that duty could extend to injuries caused by the misconduct of a third person when Reider was present, had control over the truck and the area of the altercation, and had an opportunity to prevent the injury.
3. Whether the Third District improperly required evidence that Reider colluded with Noordhoek or knew the exact injury Noordhoek would inflict before recognizing a duty.

HOLDINGS

1. Reider owed Dorsey a legal duty of care because blocking Dorsey's ability to escape from the escalating altercation created a foreseeable zone of risk posing a general threat of harm to others.
2. Under the specific circumstances, Reider's duty of care extended to injuries caused by Noordhoek because Reider had constructive control over the tomahawk, actual control over the area in which Dorsey was trapped and injured, was present during the incident, and had an opportunity to prevent the harm.
3. The existence of a duty was established as a matter of law, but whether Reider breached that duty and whether his conduct proximately caused Dorsey's specific injuries remained matters for the fact-finder.

KEY QUOTATIONS

"The duty element of negligence focuses on whether the defendant's conduct foreseeably created a broader 'zone of risk' that poses a general threat of harm to others." (863)

"As to duty, the proper inquiry for the reviewing appellate court is whether the defendant's conduct created a foreseeable zone of risk, not whether the defendant could foresee the specific injury that actually occurred." (864)

"The exact type of injury that results is not required to be anticipated." (866)

FACTUAL BACKGROUND

Dorsey was drinking with Reider and Reider's friend, Noordhoek, at a bar when Reider became belligerent. After Dorsey left, Reider followed him, blocked his escape between a truck and another vehicle, and continued the confrontation. Noordhoek retrieved a tomahawk from Reider's unlocked truck and struck Dorsey in the head while Reider was present and still blocking Dorsey's escape. Dorsey suffered substantial head and other injuries.

PROCEDURAL HISTORY

Dorsey sued Reider in the Miami-Dade County circuit court for injuries sustained during an altercation involving Reider's friend, Russell Noordhoek. A jury returned a verdict for Dorsey, and the trial court denied Reider's motion for judgment in accordance with his prior directed-verdict motion. The Third District reversed

and remanded for entry of judgment for Reider, concluding that Reider owed no relevant duty of care. The Supreme Court of Florida quashed the Third District's decision and remanded for reinstatement of the trial court's judgments.

DISPOSITION

quashed

REMAND INSTRUCTIONS

The case was remanded for proceedings consistent with the opinion and for reinstatement of the trial court's judgments.

CASES CITED

- Reider v. Dorsey, 98 So. 3d 1223 (Fla. 3d DCA 2012)
- McCain v. Florida Power Corp., 593 So. 2d 500 (Fla. 1992)
- Carney v. Gambel, 751 So. 2d 653 (Fla. 4th DCA 1999)
- K.M. ex rel. D.M. v. Publix Super Markets, Inc., 895 So. 2d 1114 (Fla. 4th DCA 2005)
- Michael & Philip, Inc. v. Sierra, 776 So. 2d 294 (Fla. 4th DCA 2000)
- Palm Beach-Broward Med. Imaging Ctr., Inc. v. Cont'l Grain Co., 715 So. 2d 343 (Fla. 4th DCA 1998)
- Mathis v. American Fire & Casualty Co., 505 So. 2d 652 (Fla. 2d DCA 1987)
- Keenan v. Oshman Sporting Goods Co., 629 So. 2d 210 (Fla. 5th DCA 1998)
- Williams v. Davis, 974 So. 2d 1052 (Fla. 2007)
- Jaimes v. State, 51 So. 3d 445 (Fla. 2010)
- Wallace v. Dean, 3 So. 3d 1035 (Fla. 2009)