

FLORIDA THIRD DISTRICT COURT OF APPEAL

Walgreens Co. v. Maria Victoria Chaux

Walgreens · No. Nos. 3D24-0288 & 3D24-0761 · Decided January 14, 2026

SUMMARY

The Florida Third District Court of Appeal reversed a judgment for Maria Victoria Chaux in a slip-and-fall negligence action against Walgreens and remanded for a new trial. The court held that the trial court improperly imposed a burden-shifting spoliation sanction without adequate notice and erroneously excluded Walgreens’s expert testimony under Daubert. The court also reversed the associated attorney’s fees and costs judgment.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	LOBREE, J.; LOGUE, J.; GORDO, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	January 14, 2026
DOCKET	Nos. 3D24-0288 & 3D24-0761
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Walgreens appealed a final judgment entered after a jury verdict for Chaux in a negligence slip-and-fall action, the denial of Walgreens' motion for a new trial, and a separate final judgment awarding attorney's fees and costs as a spoliation sanction.
STANDARD OF REVIEW	Denial of a motion for new trial is reviewed for abuse of discretion. Exclusion of expert testimony under Daubert is also reviewed for abuse of discretion.
PRECEDENTIAL VALUE	published
PARTIES	Walgreens Co. v. Maria Victoria Chaux

TOPICS

- evidence
- expert testimony
- daubert standard
- motion for new trial
- appellate procedure

PRACTICE AREAS

- Torts
- Evidence
- Civil Procedure
- Appellate Procedure
- Remedies

QUESTIONS PRESENTED

1. Whether the trial court deprived Walgreens of a fair trial by imposing a burden-shifting spoliation sanction and jury instruction after the parties had rested and without adequate notice.
2. Whether the trial court abused its discretion under Daubert by excluding Dr. Goldstein's expert opinion concerning the possible medical cause of Chaux's fall.
3. Whether the final judgment awarding attorney's fees and costs as a spoliation sanction could stand after reversal of the underlying judgment.

HOLDINGS

1. The trial court erred by imposing a burden-shifting spoliation sanction after the parties had rested and contrary to its prior representations that it would give only an adverse-inference instruction. The lack of notice deprived Walgreens of the opportunity to defend against the shifted burden and denied it a fair trial.
2. The trial court abused its discretion by excluding Dr. Goldstein's opinion that Chaux's fall was likely caused by an alcohol-withdrawal seizure. The opinion was based on an extensive review of medical records and other case materials and was the product of reliable principles and methods rather than unsupported speculation.
3. The final judgment awarding attorney's fees and costs as a spoliation sanction must also be reversed because the underlying judgment and spoliation-based trial ruling were reversed and the case was remanded for a new trial.

KEY QUOTATIONS

“Because Walgreens had no notice that a burden-shifting sanction was in place, it was deprived of the opportunity to meet that burden of proof.” (11)

“We conclude that together, these errors denied Walgreens a fair trial, and therefore the trial court abused its discretion in denying Walgreens’ motion for a new trial.” (17)

“Reversed and remanded for a new trial.” (18)

FACTUAL BACKGROUND

Chaux fell in a checkout lane at a Walgreens store and was found unconscious by an employee. She was transported to a hospital and suffered a brain injury requiring more than three months of hospitalization. Chaux alleged that a slippery floor or foreign substance caused the fall and that Walgreens had actual or constructive notice of the dangerous condition. Walgreens' surveillance video was not preserved, and the trial court imposed a burden-shifting spoliation instruction while also excluding Walgreens expert Dr. David Goldstein's opinion that an alcohol-withdrawal seizure may have caused the fall.

PROCEDURAL HISTORY

Chaux sued Walgreens for negligence after falling in a Walgreens store and suffering a brain injury. After a five-day trial, the jury awarded Chaux \$5,547,733, and the trial court entered final judgment and later awarded

\$179,850 in attorney's fees and costs as a sanction for spoliation of surveillance video. The trial court denied Walgreens' motion for a new trial. The Third District consolidated Walgreens' two appeals, reversed, and remanded for a new trial.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The cause is remanded for a new trial. The final judgment awarding attorney's fees and costs to Chaux as a spoliation sanction is also reversed.

CASES CITED

- Johns Hopkins All Children's Hospital, Inc. v. Kowalski, No. 2D2024-0382, 2025 WL 3019111, at *17 n.22 (Fla. 2d DCA Oct. 29, 2025)
- Graham Cos. v. Amado, 305 So. 3d 572, 577 (Fla. 3d DCA 2020)
- Manhardt v. Tamton, 832 So. 2d 129, 131 (Fla. 2d DCA 2002)
- Edwards v. Rosen, 189 So. 3d 177, 182-83 (Fla. 2d DCA 2016)
- Schmitz v. Schmitz, 401 So. 3d 416, 423-24 (Fla. 3d DCA 2024)
- Routenberg v. State, 301 So. 3d 325, 330 (Fla. 2d DCA 2020)
- Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579, 590, 596 (1993)
- Greenwald v. Eisinger, Brown, Lewis & Frankel, P.A., Greenwald v. Eisinger, Brown, Lewis & Frankel, P.A., 118 So. 3d 867, 869 n.2 (Fla. 3d DCA 2013)
- Sunbelt Rentals, Inc. v. Burns, 402 So. 3d 1178, 1185 (Fla. 3d DCA 2025)
- Lewis v. Norfolk Southern Railway Co., 420 So. 3d 1099, 1104-05 (Fla. 5th DCA 2025)
- Royal Caribbean Cruises, Ltd. v. Spearman, 320 So. 3d 276, 290 n.14 (Fla. 3d DCA 2021)
- Milward v. Acuity Specialty Products Group, Inc., 639 F.3d 11, 15 (1st Cir. 2011)
- Ruiz-Troche v. Pepsi Cola of Puerto Rico Bottling Co., 161 F.3d 77, 85 (1st Cir. 1998)
- May v. State, 326 So. 3d 188, 192 (Fla. 1st DCA 2021)
- Vitiello v. State, 281 So. 3d 554, 560 (Fla. 5th DCA 2019)
- Baan v. Columbia County, 180 So. 3d 1127, 1133-34 (Fla. 1st DCA 2015)
- Sanchez v. Cinque, 238 So. 3d 817, 823 (Fla. 4th DCA 2018)
- Morrow v. Brenntag Mid-South, Inc., 505 F. Supp. 3d 1287, 1291 (M.D. Fla. 2020)
- United States v. City of Miami, Florida, 115 F.3d 870, 873 (11th Cir. 1997)