

SUPREME COURT OF FLORIDA

Pullum v. Cincinnati, Inc.

476 So. 2d 657 (Fla. 1985) · No. No. 66198 · Decided August 29, 1985

SUMMARY

The Florida Supreme Court reviewed a challenge to Florida Statutes section 95.031(2), a twelve-year products-liability statute of repose. The court receded from Battilla v. Allis Chalmers Manufacturing Co., held that the statute did not violate Florida's constitutional access-to-courts guarantee or equal protection, and approved summary judgment against Richard Pullum. The court affirmed the result of the First District Court of Appeal.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Alderman, Justice; Boyd, C.J.; McDonald, J.; Ehrlich, J.; Shaw, J.; Adkins, J.; Overton, J.
JURISDICTION	Florida
DECIDED	August 29, 1985
DOCKET	No. 66198
DISPOSITION	approved
PROCEDURAL POSTURE	Petition for review of a First District Court of Appeal decision affirming summary judgment for the defendants and certifying a question of great public importance concerning the constitutionality of Florida's products-liability statute of repose.
STANDARD OF REVIEW	De novo review of the constitutional validity and application of the statute of repose and the propriety of summary judgment.
PRECEDENTIAL VALUE	Published binding precedent of the Supreme Court of Florida
PARTIES	Richard Pullum v. Cincinnati, Inc., The Cincinnati Shaper Company, Sti-Gro Corp., f/k/a Harry P. Leu Machinery Corp., Dissolved Florida Corporation, Robert H. Stine, Eugenie E. Stine, Robert E. Groth, as directors and/or trustees of Sti-Gro First Corp.

TOPICS

- products liability
- statutory interpretation
- equal protection
- summary judgment
- civil procedure

PRACTICE AREAS

Products liability

Constitutional law

Civil procedure

QUESTIONS PRESENTED

1. Whether section 95.031(2), Florida Statutes, denied equal protection because, after *Battilla*, it allegedly applied irrationally to persons injured between eight and twelve years after product delivery.
2. Whether section 95.031(2) violated the Florida Constitution's access-to-courts guarantee under article I, section 21.
3. Whether summary judgment was properly entered because the statute of repose barred Pullum's products-liability action.

HOLDINGS

1. Section 95.031(2) is not unconstitutionally violative of the Florida Constitution's access-to-courts guarantee.
2. Section 95.031(2) does not deny equal protection because the classification established by the statute bears a rational relationship to a proper state objective.
3. Summary judgment for the defendants was proper because section 95.031(2) barred Pullum's action.

KEY QUOTATIONS

“We recede from this decision and hold that section 95.031(2) is not unconstitutionally violative of article I, section 21 of the Florida Constitution.” (at 659)

*“Since we have receded from *Battilla*, it logically follows that section 95.031(2) does not deny equal protection.”* (at 660)

FACTUAL BACKGROUND

Pullum was injured in April 1977 while operating a Cincinnati press brake machine that had been delivered to its original purchaser in November 1966. He filed a products-liability action against the manufacturer in November 1980, more than twelve years after delivery but within the otherwise applicable four-year limitations period. Because section 95.031(2) imposed a twelve-year repose period measured from delivery, the statute barred the action before suit was filed.

PROCEDURAL HISTORY

Pullum was injured in April 1977 while operating a Cincinnati press brake delivered to the original purchaser in November 1966. He filed suit in November 1980, within the applicable four-year limitations period but more than twelve years after delivery. The trial court entered summary judgment under section 95.031(2), Florida Statutes; the First District affirmed and certified an equal-protection question. The Supreme Court of Florida approved the result and receded from *Battilla v. Allis Chalmers Manufacturing Co.*

DISPOSITION

approved

CASES CITED

- Pullum v. Cincinnati, 458 So. 2d 1136 (Fla. 1984)
- Purk v. Federal Press Co., 387 So. 2d 354 (Fla. 1980)
- Battilla v. Allis Chalmers Manufacturing Co., 392 So. 2d 874 (Fla. 1980)
- Overland Construction Co. v. Sirmons, 369 So. 2d 572 (Fla. 1979)
- Bauld v. J.A. Jones Construction Co., 357 So. 2d 401 (Fla. 1978)
- Matthews v. Lawnlite Co., 88 So. 2d 299 (Fla. 1956)
- Diamond v. E.R. Squibb and Sons, Inc., 397 So. 2d 671 (Fla. 1981)

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