

DISTRICT COURT OF APPEAL OF FLORIDA, THIRD DISTRICT

Lotspeich Co. v. Neogard Corp.

416 So. 2d 1163 (Fla. 3d DCA 1982) · No. No. 81-882 · Decided June 15, 1982

SUMMARY

The Florida Third District Court of Appeal held that a trial court could not direct a verdict against a contribution claim based on displeasure with the terms of a good-faith settlement where the parties had agreed to its reasonableness. The court also held that the parties' pretrial stipulations were binding and that conflicting evidence supporting the contribution claim required submission to the jury. The judgment was reversed and the case remanded for a new trial.

CASE DETAILS

COURT	District Court of Appeal of Florida, Third District
WRITING FOR THE COURT	Schwartz; Nesbitt; Ferguson
JURISDICTION	Florida
DECIDED	June 15, 1982
DOCKET	No. 81-882
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Lotspeich appealed after the trial court directed a verdict for the third-party defendant in an action for contribution between joint tort-feasors.
STANDARD OF REVIEW	Whether the evidence was sufficient to submit the issues to the jury and whether the trial court abused its discretion in refusing to reopen the case to admit the release document.
PRECEDENTIAL VALUE	Published opinion; precedential value under Florida appellate practice.
PARTIES	Lotspeich Company v. Neogard Corporation

TOPICS

- torts
- motion for directed verdict
- contracts
- evidence
- appellate procedure

PRACTICE AREAS

- torts
- contracts
- civil procedure
- evidence
- appellate procedure

QUESTIONS PRESENTED

1. Whether a trial court may direct a verdict against a third-party plaintiff in a contribution action based on the court's disapproval of the terms of a good-faith settlement when the parties agreed that the settlement was reasonable.
2. Whether the parties' stipulation that the settlement would not be an issue in the contribution action was binding on the court and precluded requiring testimony from the tort victim about the settlement.
3. Whether the evidence was sufficient to require submission of the contribution issues to the jury.
4. Whether refusing to reopen the case to admit the original release document constituted an abuse of discretion under the circumstances.

HOLDINGS

1. A trial court's personal dislike of the terms of a good-faith settlement cannot justify directing a verdict for the third-party defendant when the settlement's reasonableness was agreed to by all parties.
2. A stipulation that a settlement occurred, fixed damages at \$600,000, and would not be an issue in the contribution action was binding on the parties and the court and had to be strictly enforced.
3. Where evidence, even if conflicting or susceptible to different reasonable inferences, tends to prove the third-party plaintiff's case, the issues must be submitted to the jury rather than resolved by directed verdict.
4. On the facts presented, refusing to reopen the case to admit the original release document was an abuse of discretion.

KEY QUOTATIONS

"In an action for contribution against a joint tort-feasor the trial court's personal dislike for the terms of a good faith settlement between the tort victim and defendant/third-party plaintiff could be no basis for directing a verdict for the third-party defendant where the reasonableness of the settlement was agreed to by all the parties." (1164)

"Settlement agreements are highly favored in the law and will be upheld whenever possible because they are means of amicably resolving doubts and preventing lawsuits" (1165)

"Pretrial stipulations prescribing the issues on which a case is to be tried are binding upon the parties and the court, and should be strictly enforced." (1165)

"There is evidence, though conflicting, or susceptible to different reasonable inferences, tending to prove third-party plaintiff's case, therefore the issues should have been submitted to the jury." (1166)

FACTUAL BACKGROUND

The tort victim and the defendant/third-party plaintiff entered into a settlement fixing damages at \$600,000, with \$500,000 payable upon execution of release documents and \$100,000 payable after trial on the contribution claim so that the victim would remain available to testify. The parties stipulated on the record that the settlement had occurred, that its amount was reasonable, and that the settlement would not be an issue in the contribution action. The trial court nevertheless directed a verdict, apparently because it disapproved of the settlement terms

and because the release document had not been introduced. The record contained conflicting evidence and evidence susceptible to different reasonable inferences concerning the third-party plaintiff's contribution claim.

PROCEDURAL HISTORY

The trial court directed a verdict against the third-party plaintiff after expressing disapproval of the terms of a settlement between the tort victim and the defendant/third-party plaintiff. The court also refused to reopen the case to admit the original release document. The Third District Court of Appeal reversed and remanded for a new trial.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remanded for a new trial, with the settlement stipulation enforced and the contribution issues submitted to the jury if supported by the evidence.

CASES CITED

- Pearson v. Ecological Science Corp., 522 F.2d 171 (5th Cir. 1975), reh'g denied, 525 F.2d 1407 (5th Cir. 1975), cert. denied in Skydell v. Ecological Science Corp., 425 U.S. 912 (1976)
- Coe v. Deiner, 159 So. 2d 269 (Fla. 2d DCA 1964)
- Russell v. Shelby Mutual Insurance Co., 128 So. 2d 161 (Fla. 3d DCA 1961), cert. disch., 137 So. 2d 219 (1962)
- Gunn Plumbing, Inc. v. Dania Bank, 252 So. 2d 1 (Fla. 1971)
- Hendricks v. Dailey, 208 So. 2d 101 (Fla. 1968)
- Dandashi v. Fine, 397 So. 2d 442 (Fla. 3d DCA 1981)
- Behar v. Root, 393 So. 2d 1169 (Fla. 3d DCA 1981)
- Laird v. Potter, 367 So. 2d 642 (Fla. 3d DCA 1979), cert. den., 378 So. 2d 347 (Fla. 1967)
- Bieleley v. Bieleley, 398 So. 2d 932 (Fla. 3d DCA 1981)
- Akins v. Taylor, 314 So. 2d 13 (Fla. 1st DCA 1975)
- Woods and G.E.I.C.O. v. Withrow, 413 So. 2d 1179 (Fla. 1982)