

SUPREME COURT OF FLORIDA

Anthony Newton v. Caterpillar Financial Services Corporation

253 So. 3d 1054 (Fla. 2018) · No. SC17-67 · Decided September 27, 2018

SUMMARY

The Florida Supreme Court held that loaders are dangerous instrumentalities as a matter of law under Florida’s dangerous instrumentality doctrine. It quashed the Second District Court of Appeal’s decision and remanded with instructions to grant summary judgment for Anthony Newton. The majority also held that Newton’s status as an independent contractor did not exclude him from protection under the doctrine.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Quince, J.; Pariente, J.; Lewis, J.; Labarga, J.; Lawson, J.; Canady, C.J.; Polston, J.
JURISDICTION	Florida
DECIDED	September 27, 2018
DOCKET	SC17-67
DISPOSITION	quashed
PROCEDURAL POSTURE	Petition for review of a district court decision based on alleged express and direct conflict with decisions of the Florida Supreme Court and other district courts. The Supreme Court of Florida quashed the district court's decision and directed that summary judgment be entered for Newton.
STANDARD OF REVIEW	De novo review applies because whether a loader is a dangerous instrumentality is a pure question of law.
PRECEDENTIAL VALUE	Published Florida Supreme Court opinion; precedential.
PARTIES	Anthony Newton v. Caterpillar Financial Services Corporation, et al.

TOPICS

- vicarious liability
- negligence
- appellate jurisdiction
- standard of review
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether a loader is a dangerous instrumentality under Florida's dangerous instrumentality doctrine.
2. Whether Newton's status as an independent contractor excluded him from protection under the dangerous instrumentality doctrine.
3. Whether the Florida Supreme Court had jurisdiction based on express and direct conflict.

HOLDINGS

1. The court exercised jurisdiction under article V, section 3(b)(3), of the Florida Constitution.
2. A loader is a dangerous instrumentality as a matter of law under Florida's dangerous instrumentality doctrine.
3. An injured independent contractor is not excluded from protection under the dangerous instrumentality doctrine.

KEY QUOTATIONS

“Florida’s dangerous instrumentality doctrine imposes ‘vicarious liability upon the owner of a motor vehicle who voluntarily entrusts that motor vehicle to an individual whose negligent operation causes damage to another.’” (at -3)

“Common knowledge demonstrates that a machine as powerful as a loader has the ability to cause serious injury when operated near or over a public street, just like any motor vehicle operated on a public highway.” (at -6)

“Based on the foregoing, we determine that a loader is a dangerous instrumentality as a matter of law.” (at -7)

FACTUAL BACKGROUND

C&J Bobcat and Hauling, LLC, hired Anthony Newton as an independent contractor to assist in clearing debris from a private residential lot. C&J's agent, Charles Cram, leased and operated a multi-terrain loader while Newton worked near a disposal trailer parked on a public street. When Newton climbed into the trailer to pack down debris, Cram released a tree stump from the loader's bucket; the stump rolled over Newton's hand and severed his middle finger. Newton sued Caterpillar, asserting that it was vicariously liable because the loader was a dangerous instrumentality.

PROCEDURAL HISTORY

Newton sued Caterpillar, alleging vicarious liability under Florida's dangerous instrumentality doctrine for injuries caused by the negligent operation of a leased loader. The trial court ruled that the loader was not a dangerous instrumentality and granted summary judgment to Caterpillar. The Second District affirmed. The Florida Supreme Court accepted review, found jurisdiction, held that loaders are dangerous instrumentalities as a matter of law, and quashed the district court's decision.

DISPOSITION

quashed

REMAND INSTRUCTIONS

The district court must further remand the case to the trial court for entry of an order granting summary judgment in favor of Newton.

CASES CITED

- Newton v. Caterpillar Financial Services Corp., 209 So. 3d 612 (Fla. 2d DCA 2016)
- Rippey v. Shepard, 80 So. 3d 305 (Fla. 2012)
- Meister v. Fisher, 462 So. 2d 1071 (Fla. 1984)
- S. Cotton Oil Co. v. Anderson, 86 So. 629 (Fla. 1920)
- Aurbach v. Gallina, 753 So. 2d 60 (Fla. 2000)
- D'Angelo v. Fitzmaurice, 863 So. 2d 311 (Fla. 2003)
- Sherrill v. Corbett Cranes Servs., 656 So. 2d 181 (Fla. 5th DCA 1995)
- Lewis v. Sims Crane Serv. Inc., 498 So. 2d 573 (Fla. 3d DCA 1986)
- Eagle Stevedores, Inc. v. Thomas, 145 So. 2d 551 (Fla. 3d DCA 1962)
- N. Trust Bank of Fla., N.A. v. Constr. Equip. Int'l, 587 So. 2d 502 (Fla. 3d DCA 1991)
- Canull v. Hodges, 584 So. 2d 1095 (Fla. 1st DCA 1991)
- Harding v. Allen-Laux, Inc., 559 So. 2d 107 (Fla. 2d DCA 1990)
- Festival Fun Parks, LLC v. Gooch, 904 So. 2d 542 (Fla. 4th DCA 2005)
- Fla. Dep't of Children & Families v. Davis Family Day Care Home, 160 So. 3d 854 (Fla. 2015)
- Ciongoli v. State, 337 So. 2d 780 (Fla. 1976)
- Reaves v. State, 485 So. 2d 829 (Fla. 1986)
- Jordan v. Kelson, 299 So. 2d 109 (Fla. 4th DCA 1974)
- Halifax Paving, Inc. v. Scott & Jobalia Construction Co., 565 So. 2d 1346 (Fla. 1990)
- Larzelere v. Employers Ins. of Wausau, 613 So. 2d 510 (Fla. 2d DCA 1993)

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