

SUPREME COURT OF FLORIDA

Ricks v. Loyola

822 So. 2d 502 (Fla. 2002) · No. SC01-793 · Decided June 20, 2002

SUMMARY

The Supreme Court of Florida quashed the Fourth District Court of Appeal's decision in a medical malpractice case involving defense counsel's “empty chair” comments about absent parties. The court held that the trial court had broad discretion to reserve ruling on the plaintiff's motion for mistrial until after the jury returned a verdict and acted within its discretion in granting a new trial based on the potentially prejudicial comments. A dissent argued that conflict jurisdiction was improper and that delaying the ruling did not serve judicial economy.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Wells, C.J.; Shaw, J.; Harding, J.; Pariente, J.; Lewis, J.; Quince, J.; Anstead, J.
JURISDICTION	Florida
DECIDED	June 20, 2002
DOCKET	SC01-793
DISPOSITION	quashed
PROCEDURAL POSTURE	Florida Supreme Court review of a Fourth District Court of Appeal decision that reversed a trial court's order granting a new trial following a defense counsel's allegedly improper opening-statement comments and the trial court's reservation of ruling on a motion for mistrial.
STANDARD OF REVIEW	Abuse of discretion, applying the reasonableness test and giving substantial deference to a trial court's ruling on a motion for mistrial or new trial.
PRECEDENTIAL VALUE	Published Florida Supreme Court opinion; binding precedent in Florida.
PARTIES	Metissia Ricks v. Rene Loyola, M.D.

TOPICS

civil procedure

appellate procedure

standard of review

motion for new trial

harmless error

PRACTICE AREAS

civil procedure

appellate procedure

medical malpractice

QUESTIONS PRESENTED

1. Whether a trial court may exercise its discretion to reserve ruling on a motion for mistrial until after the jury returns a verdict, even when the motion is made during opening statements before evidence is presented.
2. Whether defense counsel's reference to absent former defendants and the plaintiff's supposed responsibility to explain their absence could constitute an improper reference to a settlement or dismissal prohibited from being disclosed to the jury under section 768.041(3), Florida Statutes.
3. Whether the trial court abused its discretion by granting a new trial based on the allegedly prejudicial opening-statement comment.

HOLDINGS

1. A trial court has broad discretion to reserve ruling on a motion for mistrial until after the jury deliberates, including when the motion is made before testimony begins, so long as the discretion is exercised consistently with judicial economy.
2. A comment emphasizing that former parties were absent from the courtroom and implying that the plaintiff was responsible for explaining their absence may improperly suggest a settlement or dismissal and may prejudice the jury, even if counsel does not use the word settlement.
3. The trial court did not abuse its discretion by reserving ruling on the mistrial motion and subsequently granting a new trial based on the objectionable comment.

KEY QUOTATIONS

“Thus, when a motion for mistrial is made, it is within a trial court's discretion to determine whether it is the best use of judicial resources to let the case go to jury to see if the verdict cures the need for a new trial, or whether it is best to rule on the motion at an earlier stage in the proceedings.” (506)

“But that call remains essentially for the trial court to make from its superior vantage point.” (507)

“Here, jurors logically could have interpreted counsel's statement to imply that a settlement had been reached with others involved in the case, despite the fact that counsel did not actually use the word “settlement.”” (508)

FACTUAL BACKGROUND

Ricks brought a medical-malpractice action against Dr. Loyola and other health-care providers, later settling with another doctor and the hospital. Loyola's counsel told the jury during opening statements that other providers should have acted differently, emphasized that they were not in the courtroom, and suggested that

Ricks would not explain why they were absent. Ricks moved for a mistrial, but the trial court reserved ruling, permitted the six-day trial to proceed, and then granted a new trial after the jury returned a verdict for Loyola.

PROCEDURAL HISTORY

Ricks sued Loyola and other health-care providers for medical malpractice. Ricks settled with another doctor and the hospital before trial. During opening statements, Loyola's counsel referred to the absence of the other health-care providers and suggested that Ricks would not explain their absence. Ricks moved for a mistrial and requested that the court reserve ruling; after a six-day trial and a defense verdict, the trial court granted a new trial. The Fourth District reversed, holding that the trial court abused its discretion in reserving ruling and granting a new trial. The Florida Supreme Court accepted review based on express and direct conflict and quashed the Fourth District's decision.

DISPOSITION

quashed

REMAND INSTRUCTIONS

The Fourth District Court of Appeal was directed to conduct further proceedings consistent with the Florida Supreme Court's opinion.

CASES CITED

- Loyola v. Ricks, 777 So. 2d 423 (Fla. 4th DCA 2000)
- Ed Ricke & Sons, Inc. v. Green, 468 So. 2d 908 (Fla. 1985)
- Gutierrez v. L. Plumbing, Inc., 516 So. 2d 87 (Fla. 3d DCA 1987)
- Brown v. Estate of Stuckey, 749 So. 2d 490 (Fla. 1999)
- Cloud, 110 So. 2d 669 (Fla. 1959)
- Castlewood Int'l Corp. v. LaFleur, 322 So. 2d 520 (Fla. 1975)
- Allstate Ins. Co. v. Manasse, 707 So. 2d 1110 (Fla. 1998)
- Muhammad v. Toys "R" Us, Inc., 668 So. 2d 254 (Fla. 1st DCA 1996)
- Mancini v. State, 312 So. 2d 732 (Fla. 1975)