

SIXTH DISTRICT COURT OF APPEAL OF FLORIDA

**Turo, Inc. v. Cynthia Mobley, A'Shari Calhoun, Willie Calhoun,  
Tont'Yona Littles, Alaya Lott-Gray, Darriasha Wimberly,  
Individually and Cynthia Mobley, as Parent and Natural Guardian of  
C.C., and Paulo Henrique Simoes de Oliveira**

Turo, Inc. v. Cynthia Mobley, Case No. 6D2025-1405 (Fla. 6th DCA Jan. 30, 2026) · No. 6D2025-1405 ·  
Decided January 30, 2026

SUMMARY

The Sixth District Court of Appeal of Florida reversed an order allowing plaintiffs to amend their complaint to seek punitive damages against Turo, Inc. The court held that the plaintiffs did not make the reasonable evidentiary showing required by section 768.72, Florida Statutes, to support theories of intentional misconduct or gross negligence. The case was remanded for further proceedings.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                     |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Sixth District Court of Appeal of Florida                                                                                                                                                                                                                                                           |
| WRITING FOR THE COURT | Wozniak, J.; Stargel, J.; Smith, J.                                                                                                                                                                                                                                                                 |
| JURISDICTION          | Florida Sixth District Court of Appeal                                                                                                                                                                                                                                                              |
| DECIDED               | January 30, 2026                                                                                                                                                                                                                                                                                    |
| DOCKET                | 6D2025-1405                                                                                                                                                                                                                                                                                         |
| DISPOSITION           | reversed_and_remanded                                                                                                                                                                                                                                                                               |
| PROCEDURAL POSTURE    | Interlocutory appeal from an order granting Appellees leave to amend their complaint to add a claim for punitive damages.                                                                                                                                                                           |
| STANDARD OF REVIEW    | De novo review applies to an order granting leave to amend a complaint to add punitive damages. The proffered evidence is viewed in the light most favorable to the plaintiffs, without weighing the evidence or assessing witness credibility, but allegations need not be accepted at face value. |
| PRECEDENTIAL VALUE    | Published opinion                                                                                                                                                                                                                                                                                   |
| PARTIES               | Turo, Inc. v. Cynthia Mobley, A'Shari Calhoun, Willie Calhoun, Tont'Yona Littles, Alaya Lott-Gray, Darriasha Wimberly, individually, Cynthia Mobley, as parent and natural guardian of C.C., a minor                                                                                                |

## TOPICS

punitive damages

motion to amend

standard of review

appellate procedure

civil procedure

## PRACTICE AREAS

civil procedure

punitive damages

torts

appellate procedure

## QUESTIONS PRESENTED

1. Whether Appellees made the showing required by section 768.72, Florida Statutes, and Florida Rule of Civil Procedure 1.190(f), to obtain leave to amend their complaint to add punitive damages.
2. Whether the allegations and proffered evidence provided a reasonable basis to conclude that Turo engaged in intentional misconduct.
3. Whether the allegations and proffered evidence provided a reasonable basis to conclude that Turo was grossly negligent.

## HOLDINGS

1. A party may amend a complaint to assert punitive damages only after making a reasonable showing, through evidence in the record or evidence to be proffered, that provides a reasonable basis for recovery. Appellees failed to make that showing as to Turo.
2. The proffer did not provide a reasonable basis to conclude that Turo engaged in intentional misconduct because it did not establish Turo's actual knowledge of the tire warning light or wrongful conduct, or that Turo intentionally pursued a course of conduct despite knowing of a high probability of injury.
3. The proffer did not provide a reasonable basis to conclude that Turo's conduct constituted gross negligence.

## KEY QUOTATIONS

*“We, like the trial court, view the evidence proffered in the light most favorable to the plaintiffs, do not weigh the evidence, and do not evaluate witness credibility; however, we need not accept the allegations at face value.” (at 5)*

*“Trial courts act as gatekeepers during the amendment process, and they should only allow a party to amend its complaint to seek punitive damages if a reasonable basis exists for recovery.” (at 6)*

*“Gross negligence is a high bar, and we do not agree that Turo’s alleged constructive knowledge of a faulty warning light combined with its failure to restrict access to that vehicle clears this hurdle.” (at 9)*

## FACTUAL BACKGROUND

Appellees rented through Turo a vehicle owned by Paulo Henrique Simoes de Oliveira. When the vehicle was picked up, its tire-pressure warning light was illuminated, but Oliveira stated that the light was always on and that the tires were fine. Shortly afterward, the vehicle's right rear tire blew out, causing it to leave the road and roll several times; one passenger died and the remaining occupants claimed injuries. Before the accident, numerous pre-trip inspection photographs and several post-trip reviews indicated that the vehicle had a tire-

pressure warning or low-tire-pressure issue, but Turo did not review the photographs or independently validate the annual inspection.

## PROCEDURAL HISTORY

Following a motor vehicle accident, Appellees sued Turo and Paulo Henrique Simoes de Oliveira. After discovery, Appellees moved to amend their complaint to add punitive damages based on alleged intentional misconduct and gross negligence. The Circuit Court for Polk County granted the motion, and Turo appealed under Florida Rule of Appellate Procedure 9.130(a)(3)(G).

## DISPOSITION

reversed\_and\_remanded

## REMAND INSTRUCTIONS

Remanded for proceedings consistent with the opinion.

## CASES CITED

- Mercer v. Saddle Creek Transp., Inc., 389 So. 3d 774, 776-77 (Fla. 6th DCA 2024)
- Estate of Despain v. Avante Group, Inc., 900 So. 2d 637, 644 (Fla. 5th DCA 2005)
- 701 Palafox, LLC v. Scuba Shack, Inc., 367 So. 3d 624, 627 (Fla. 1st DCA 2023)
- BDO Seidman, LLP v. Banco Espirito Santo, International, 38 So. 3d 874, 876 (Fla. 3d DCA 2010)
- Varnedore v. Copeland, 210 So. 3d 741, 744 (Fla. 5th DCA 2017)
- Bistline v. Rogers, 215 So. 3d 607, 611 (Fla. 4th DCA 2017)
- Federal Insurance Co. v. Perlmutter, 376 So. 3d 24, 34 (Fla. 4th DCA 2023) (en banc)
- Cook v. Florida Peninsula Insurance Co., 371 So. 3d 958, 961-62 (Fla. 5th DCA 2023)
- Deaterly v. Jacobson, 313 So. 3d 798, 801 (Fla. 2d DCA 2021)
- White Construction Co. v. Dupont, 455 So. 2d 1026, 1027-28 (Fla. 1984)
- Murphy v. International Robotic Systems, Inc., 766 So. 2d 1010, 1016 (Fla. 2000)
- Estate of Williams ex rel. Williams v. Tandem Health Care of Florida, Inc., 899 So. 2d 369, 377-78 (Fla. 1st DCA 2005)
- Gerber Children's Centers, Inc. v. Harris, 484 So. 2d 91, 91-92 (Fla. 5th DCA 1986)

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