

DISTRICT COURT OF APPEAL OF FLORIDA

Tillman v. Baskin

242 So. 2d 748 (Fla. Dist. Ct. App. 1971) · Decided January 8, 1971

SUMMARY

The court affirmed a final judgment entered after the trial judge granted defendants' motion for a directed verdict in a nonjury gross-negligence case. It held that, in a nonjury trial, such a motion is treated as a motion for involuntary dismissal, allowing the trial judge to weigh the evidence, resolve conflicts, and assess witness credibility.

CASE DETAILS

COURT	District Court of Appeal of Florida
WRITING FOR THE COURT	Walden; McCain; Reed
JURISDICTION	Florida
DECIDED	January 8, 1971
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiffs appealed after the trial court, sitting without a jury, granted defendants' motion for a directed verdict at the close of plaintiffs' case and entered final judgment for defendants.
STANDARD OF REVIEW	The appellate court reviewed the evidence in light of the presumption of correctness attending the judgment appealed from and determined whether reversible error had been demonstrated.
PRECEDENTIAL VALUE	published appellate decision
PARTIES	Tillman v. Baskin

TOPICS

[motion for directed verdict](#) [civil procedure](#) [appellate procedure](#) [standard of review](#) [torts](#)

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether a defendant's motion for a directed verdict in a nonjury trial should be evaluated under the criteria applicable to a jury trial or treated as a motion for involuntary dismissal.
2. Whether the trial court erred by granting defendants' motion and entering judgment for defendants at the close of plaintiffs' evidence.

HOLDINGS

1. In a nonjury trial, a motion for directed verdict is tantamount to a motion for involuntary dismissal under Florida Rule of Civil Procedure 1.420(b).
2. The trial court did not commit reversible error by granting defendants' motion at the close of plaintiffs' case and entering judgment for defendants.

KEY QUOTATIONS

“In non-jury trials, a motion for directed verdict is tantamount to a motion for involuntary dismissal under Rule 1.-420(b), 30 F.S.A.” (749)

FACTUAL BACKGROUND

The action involved a gross-negligence claim tried to the court without a jury. After plaintiffs completed their presentation of evidence, the trial judge weighed the evidence, resolved conflicts, assessed witness credibility, and entered judgment for defendants.

PROCEDURAL HISTORY

The case was tried nonjury on a gross-negligence claim. At the close of plaintiffs' evidence, the trial judge granted defendants' motion for a directed verdict and entered final judgment. The District Court of Appeal affirmed.

DISPOSITION

affirmed

CASES CITED

- Cadore v. Karp, 91 So. 2d 806 (Fla. 1957)
- Gibson v. Gibson, 180 So. 2d 388 (Fla. Dist. Ct. App. 1965)
- Johnson v. Harris, 188 So. 2d 888 (Fla. Dist. Ct. App. 1966)
- John I. Moss Inc. v. Cobbs Company, 198 So. 2d 872 (Fla. Dist. Ct. App. 1967)
- Lorber v. Aetna Life Insurance Company, 207 So. 2d 305 (Fla. Dist. Ct. App. 1968)
- Dodge v. Weiss, 191 So. 2d 71 (Fla. Dist. Ct. App. 1966)
- Tampa Wholesale Co. v. Foodtown, U.S.A., Inc., 166 So. 2d 711 (Fla. Dist. Ct. App. 1964)