

SUPREME COURT OF FLORIDA

United States v. Stevens

994 So. 2d 1062 (Fla. 2008) · No. SC07-1074 · Decided October 30, 2008

SUMMARY

The Supreme Court of Florida answered an Eleventh Circuit-certified question concerning whether laboratories handling ultrahazardous materials owe a duty of reasonable care to the general public to prevent unauthorized interception and dissemination of those materials. The court held that such a duty exists under Florida negligence law, applying the foreseeable-zone-of-risk analysis and Restatement (Second) of Torts sections 302, 302A, and 302B. A dissent would have analyzed the issue under strict liability principles governing ultrahazardous activities and limited the duty to persons the laboratory should recognize as likely to be harmed.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Anstead, J.; Quince, C.J.; Pariente, J.; Lewis, J.; Wells, J.; Canady, J.; Polston, J.
JURISDICTION	Florida
DECIDED	October 30, 2008
DOCKET	SC07-1074
DISPOSITION	remanded
PROCEDURAL POSTURE	The Eleventh Circuit certified a determinative question of Florida law concerning whether a laboratory handling ultrahazardous materials owes the general public a duty of reasonable care to prevent unauthorized interception and dissemination of those materials.
STANDARD OF REVIEW	The existence of a common-law duty is a threshold question of law determined by evaluating the foreseeability of harm from the general facts alleged. On the certified question, the court accepted the complaint's allegations as true and considered them in the light most favorable to the plaintiff.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	United States of America, et al. v. Maureen Stevens, etc.

TOPICS

duty of care

negligence

appellate procedure

writ of certiorari

PRACTICE AREAS

Torts

Negligence

Appellate procedure

Federal Tort Claims Act

QUESTIONS PRESENTED

1. Under Florida negligence law, does a laboratory that manufactures, grows, tests, or handles ultrahazardous materials owe a duty of reasonable care to members of the general public to avoid unauthorized interception and dissemination of those materials?
2. Whether the court needed to reach the alternative question concerning a duty arising from an inadequate response to a history of dangerous materials going missing or being stolen.

HOLDINGS

1. Under Florida negligence law, a laboratory that manufactures, grows, tests, or handles ultrahazardous materials owes a duty of reasonable care to members of the general public to avoid unauthorized interception and dissemination of those materials.
2. Because the first part of the certified question was answered affirmatively, the court did not address whether a duty would arise from an inadequate response to a history of dangerous materials going missing or being stolen.

KEY QUOTATIONS

"Thus, as the risk grows greater, so does the duty, because the risk to be perceived defines the duty that must be undertaken." (994 So. 2d at 1067)

"We hold, therefore, consistent with the analysis set out above, that a laboratory that manufactures, grows, tests or handles ultrahazardous materials does owe a duty of reasonable care to members of the general public to avoid an unauthorized interception and dissemination of the materials." (994 So. 2d at 1070)

FACTUAL BACKGROUND

In 2001, an unknown person or group mailed anthrax to American Media, Inc., where Robert Stevens worked; he became ill and died after inhaling it. The complaint alleged that the anthrax strain was traceable to government or private research facilities and that the defendants manufactured, tested, handled, or stored ultrahazardous materials despite a history of missing samples. It further alleged that inadequate security, hiring, and supervision permitted unauthorized interception and dissemination of anthrax, resulting in Stevens's death.

PROCEDURAL HISTORY

Maureen Stevens brought wrongful-death claims against the United States under the Federal Tort Claims Act and against Battelle Memorial Institute in state court. Battelle removed the state action, and the cases were consolidated for discovery. The federal district court denied the defendants' motions to dismiss and for judgment on the pleadings, certified its order for interlocutory appeal, and the Eleventh Circuit certified the Florida-law duty question to the Supreme Court of Florida.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The certified question was answered in the affirmative and the case was returned to the Eleventh Circuit for further proceedings.

CASES CITED

- *Stevens v. Battelle Mem'l Inst.*, 488 F.3d 896, 898-904 (11th Cir. 2007)
- *Clay Elec. Coop., Inc. v. Johnson*, 873 So. 2d 1182, 1185 (Fla. 2004)
- *McCain v. Florida Power Corp.*, 593 So. 2d 500, 502-04 (Fla. 1992)
- *Kaisner v. Kolb*, 543 So. 2d 732, 735 (Fla. 1989)
- *Williams v. Davis*, 974 So. 2d 1052, 1058 (Fla. 2007)
- *Whitt v. Silverman*, 788 So. 2d 210, 218 (Fla. 2001)
- *J.G. Christopher Co. v. Russell*, 63 Fla. 191, 58 So. 45 (1912)
- *Shurben v. Dollar Rent-A-Car*, 676 So. 2d 467 (Fla. 3d DCA 1996)
- *Suchomajcz v. Hummel Chemical Co.*, 524 F.2d 19 (3d Cir. 1975)
- *Touchette v. Ganai*, 82 Hawai'i 293, 922 P.2d 347 (Haw. 1996)
- *Great Lakes Dredging & Dock Co. v. Sea Gull Operating Corp.*, 460 So. 2d 510, 512 (Fla. 3d DCA 1984)
- *Rylands v. Fletcher*, (1868) 3 L.R.E. & I.App. 330 (H.L.)
- *Hutchinson v. Capeletti Brothers*, 397 So. 2d 952 (Fla. 4th DCA 1981)
- *Cities Service Co. v. State*, 312 So. 2d 799 (Fla. 2d DCA 1975)
- *Pensacola Gas Co. v. Pebley*, 25 Fla. 381, 5 So. 593 (1889)