Affirmance of Summary Judgment in Slavin Doctrine Case

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Angela C. Flowers, of our Ocala office, recently obtained an affirmance of a summary judgment in Transportation Engineering, Inc. v. Cruz, 5D13-923, 2014 WL 5782251 (Fla. 5th DCA Nov. 7, 2014), a wrongful death case in which Plaintiff's decedent, a front-seat passenger, was killed in a single-vehicle collision on the Florida Turnpike. The accident occurred when the driver lost control of the vehicle and crashed into a guardrail. The driver settled with Plaintiff, and Plaintiff sued multiple Defendants, including our Defendant, the company that constructed the guardrail, and a Co-Defendant who had designed the guardrail. At the trial level, Harold Saul, of our Tampa office, prevailed in obtaining summary judgment in favor of our Defendant based on the Slavin doctrine, whereby a contractor ordinarily cannot be held liable for injuries to third parties that occur due to an alleged patent defect after the work has been completed by the contractor and accepted by the property owner. However, the trial court denied the summary judgment of the Co-Defendant engineering company that designed the guardrail.

While Plaintiff did not appeal the summary judgment for our Defendant, the Co-Defendant who designed the guardrail did appeal. On appeal, Angela persuaded the appellate court that the Slavin doctrine applied in this case and required a holding of no liability for our Defendant contractor as a matter of law. In addition to affirming summary judgment for our Defendant, the appellate court went one step further and held that the trial court should also have entered final summary judgment in favor of the Co-Defendant/Appellant that had designed the guardrail, finding that the Florida Supreme Court had extended the Slavin doctrine to architects and engineers in subsequent case law. (While the Plaintiff may seek rehearing of the decision due to the Court granting summary judgment for Co-Defendant, such a motion should not alter the affirmance for our Defendant).