

Shutts Partner Gets Reversal of \$1.1 Million Verdict in Substantial Appellate Victory

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[Amber S. Nunnally](#), a partner in Shutts & Bowen LLP's Tallahassee office, recently succeeded in reversing a \$1.1 million jury verdict for a 2016 slip-and-fall case, on behalf of her client, Hospital Housekeeping Systems and its affiliate, Capital Regional Medical Center.

The plaintiff was visiting a patient at the Medical Center on a stormy 2016 day when she suddenly slipped and fell, fracturing her knee cap. She subsequently hired legal counsel and sued the Medical Center a year later, claiming that her injury was caused by a wet floor, despite admissions by herself and others that no one had seen a wet substance near the spot where she fell. At trial, the defendant moved for a directed verdict, arguing that sufficient evidence of a foreign substance being on the floor where she fell had not been presented, nor that the Medical Center knew about such a substance. However, the trial court denied the motion and later the jury found the Medical Center at fault, awarding over a million dollars to the plaintiff.

On appeal, Amber argued on behalf of the Medical Center that the trial court's denial of its motion for directed verdict was incorrect. Citing Florida case law on premises liability and injuries caused by a transitory substance, as well as improperly stacked inferences drawn from circumstantial evidence, Amber established that legally sufficient evidence that the Medical Center had breached its duty of reasonable care to maintain its premises in a safe condition had not been presented, and that the Medical Center had therefore been entitled to a directed verdict. The First District Court of Appeal agreed, reversing the trial court's decision and the \$1.1 million judgement in a decisive victory for Shutts' client.

"On behalf of our client, we are pleased with the result reached by the First District Court of Appeal" said Amber. "The reversal of this case reinforces that a plaintiff carries the burden to present sufficient evidence to prove his or her case, and is also a significant confirmation of Florida's premises liability laws."

About Amber S. Nunnally

[Amber S. Nunnally](#) is a member of the Appellate Practice Group. She is experienced in all aspects of appellate advocacy and procedure, and routinely prepares briefs on merits and jurisdiction, amicus briefs, and briefs for extraordinary writs in original proceedings. She also provides appellate support during trial and pretrial activities, assisting in development and presentation of legal arguments,



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record development, and identification and preservation of error. Amber is also an experienced litigation attorney, representing businesses and state agencies in state courts on matters of law and public policy, particularly in the areas of constitutional and administrative law. She received her J.D., *cum laude*, from the Florida State University College of Law and her B.S. in Political Science from Florida State University.

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