Pers. Representative of the Estate of Starling vs. Fisherman's Pier, Inc., 401 So 2d 1136

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An appeal was lodged by the appellant to overturn the ruling of the Circuit Court Broward County Florida. The appeal was against the judgement of the court on the charges against Fishing Pier. Inc., whose negligence resulted in the death of a past out drunk customer. The customer was lying near the ocean on the pier and rolled over into the water and drowned early in the morning (Starling vs. Fisherman's Pier, Inc., 1981).

The defendant did not provide the minimum requirement of safeguards along the pier. Henceforth, the customer was able to put himself in danger, which eventually led to his death.On the basis of this the judgement of the Circuit Court was overturned and the case was remanded (Starling vs. Fisherman's Pier, Inc., 1981).

Torts such as ‘Premises and Property Liability, General Premises Liability and Affirmative Duty to Act, Types of special relationships’ can be basis for prevailing in this case.

The Chief Judge in his opinion believed that a proprietor of an establishment does have a duty to provide the minimum safeguards but could not relate this unusual circumstance with any existing Florida case. The citing of ‘Section 41 of American Jurisprudence’ by the defendant does not apply to commercial enterprises but to chance bystanders. The citing of “Reed vs Black Caesar’s Forge Gourmet Restaurant, Inc.’ was not necessarily disagreeable by the judge but the facts of that case were different from this one. However, the facts of “Hovermale vs Berkeley Springs Moose Lodge” West Virginia case were similar and the Hovermale court held the lodge eligible towards providing minimum care corresponding to the situation at hand.

The torts, The West Virginia case and the facts of the current case were comparable in principle. So the Court held the particular circumstances mentioned as actionable cause and reversed its dismissal (Starling vs. Fisherman's Pier, Inc., 1981).

References:

Starling vs. Fisherman's Pier, Inc., No. 80-1711 401 So 2d 1136 (District Court of Appeal of Florida, Fourth District 1981).