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FOR IMMEDIATE RELEASE

Major Appellate Victory in a Long-Running Premises Liability Lawsuit

Tampa, FL (June 2025) – Alvarez, Thompson & Smoak, P.A. is proud to announce a major appellate victory for our client Remington Lodging & Hospitality in a long-running premises liability lawsuit stemming from a 2012 incident at the One Ocean Resort in Atlantic Beach, Florida.

Plaintiff alleged that Robert Henderson, a Remington employee, assaulted Plaintiff in a hallway of the resort and claimed the encounter resulted in a permanent traumatic brain injury. He sought damages exceeding eight figures, presenting the incident as the catalyst for a complete personal and professional unraveling. At trial, Alvarez, Thompson & Smoak, P.A. maintained that Mr. Henderson acted in self-defense after Plaintiff, who had been involved in physical altercations with his father and wife at the resort earlier in the night, physically attacked Mr. Henderson without provocation. Eyewitness accounts and police reports corroborated Mr. Henderson's version of events.

The jury returned a mixed verdict: it found Mr. Henderson not negligent, but found Remington 20% liable, assigning the remaining 80% of fault to Plaintiff. While the jury awarded the full amount that Plaintiff sought in past medical expenses, it awarded zero for all non-economic damages, future medical expenses, or lost earnings. After comparative fault and collateral source setoffs, the trial court entered a final judgment of approximately \$90,000 in Plaintiff's favor.

Plaintiff appealed the judgment, arguing that the damages award was legally inconsistent and inadequate in light of the past medical expenses awarded. Alvarez, Thompson & Smoak, P.A. filed a cross-appeal, arguing that the trial court erred in allowing Plaintiff to pursue direct negligence claims (negligent hiring, training, and supervision) against Remington when Remington had admitted that Mr. Henderson was acting within the course and scope of his employment.

The Fifth DCA agreed with our position and reversed the judgment. The court held that when an employer admits vicarious liability, direct negligence theories are not only duplicative, but also legally impermissible. Since the jury exonerated Mr. Henderson, there could be no vicarious liability, and thus no liability for Remington.

This ruling reinforces an important defense strategy: when appropriate, admitting that an employee was acting within the course and scope of employment can eliminate exposure to more prejudicial and amorphous direct negligence claims. Such claims often invite inflammatory evidence and unnecessary complexity. By structuring the defense

accordingly and securing a jury finding in Mr. Henderson's favor, Alvarez, Thompson & Smoak, P.A laid the foundation for this full defense victory on appeal.