Walt disney world co. vs aloysia wood

People

Aloysia Wood was injured in November 1971 at the grand prix attraction at Walt Disney World (Disney), when her fiance, Daniel Wood, rammed from the rear the vehicle which she was driving. Aloysia Wood filed suit against Disney, and Disney sought contribution from Daniel Wood After trial, the jury returned a verdict finding Aloysia Wood 14% at fault, Daniel Wood 85% at fault, and Disney 1% at fault.

The jury assessed Wood's damages at $75, 000. The court entered judgment against Disney for 86% of the damages. Disney subsequently moved to alter the judgment to reflect the jury's finding that Disney was only 1% at fault. The court denied the motion. On appeal, the fourth district affirmed the judgment.

In Hoffman v. Jones this Court discarded the rule of contributory negligence, which Florida had followed since at least 1886, and adopted the pure comparative negligence standard.

In adopting comparative negligence, this Court expressly declared two purposes for the change in judicial policy: (1) To allow a jury to apportion fault as it sees fit between negligent parties whose negligence was part of the legal and proximate cause of any loss or injury; and (2) To apportion the total damages resulting from the loss or injury according to the proportionate fault of each party.

The real issue before us is whether we should now replace the doctrine of joint and several liability with one in which the liability of codefendants to the plaintiff is apportioned according to each defendant's respective fault.

According to Disney, this Court in Hoffman set for itself the goal of creating a tort system that fairly and equitably allocated damages according to the degrees of fault. Therefore, a defendant should only be held responsible to the extent of his fault in the same way as a plaintiff under comparative negligence. Joint and several liability is a judicially created doctrine. This Court may alter a rule of law where great social upheaval dictates its necessity. Hoffman, 280 So. 2d 435. The " social pheaval" which is said to have occurred here is the fundamental alteration of Florida tort law encompassed by the adoption of comparative negligence. Following the adoption of comparative negligence, some states have passed laws eliminating joint and several liability, and the courts of several others have judicially abolished the doctrine.

The Kansas Supreme Court in Brown v. Keill reasoned

There is nothing inherently fair about a defendant who is 10% at fault paying 100% of the loss, and there is no social policy that should compel defendants to pay more than their fair share of the loss. Plaintiffs now take the parties as they find them. If one of the parties at fault happens to be a spouse or a governmental agency and if by reason of some competing social policy the plaintiff cannot receive payment for his injuries from the spouse or agency, there is no compelling social policy which requires the codefendant to pay more than his fair share of the loss.

The same is true if one of the defendants is wealthy and the other is not. On the other hand, the majority of courts which have faced the issue in jurisdictions with comparative negligence have ruled that joint and several liability should be retained.

The Illinois Supreme Court in Coney v. J. L. G. Industries, Inc. gave four reasons justifying the retention of joint and several liability:

1. The feasibility of apportioning fault on a comparative basis does not render an indivisible injury " divisible" for purposes of the joint and several liability rule. A concurrent tortfeasor is liable for the whole of an indivisible injury when his negligence is a proximate cause of that damage. In many instances, the negligence of a concurrent tortfeasor may be sufficient by itself to cause the entire loss. The mere fact that it may be possible to assign some percentage figure to the relative culpability of one negligent defendant as compared to another does not in any way suggest that each defendant's negligence is not a proximate cause of the entire indivisible injury.
2. In those instances where the plaintiff is not guilty of negligence, he would be forced to bear a portion of the loss should one of the tortfeasors prove financially unable to satisfy his share of the damages.
3. Even in cases where a plaintiff is partially at fault, his culpability is not equivalent to that of a defendant. The plaintiff's negligence relates only to a lack of due care for his own safety while the defendant's negligence relates to a lack of due care for the safety of others; the latter is tortious, but the former is not.
4. Elimination of joint and several liability would work a serious and unwarranted deleterious effect on the ability of an injured plaintiff to obtain adequate compensation for his injuries.

While recognizing the logic in Disney's position, we cannot say with certainty that joint and several liability is an unjust doctrine or that it should

necessarily be eliminated upon the adoption of comparative negligence. In view of the public policy considerations bearing on the issue, this Court believes that the viability of the doctrine is a matter which should best be decided by the legislature. Consequently, we approve the decision of the district court of appeal. It is so ordered.