

“Take Care of Maya” Verdict Reversed

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Florida’s Second District Court of Appeal issued a noteworthy opinion on October 29, 2025, overturning a \$213.5m verdict against a Florida children’s hospital. Some of the claims raised in the underlying case will be permitted to proceed to a new trial. Please note that Wicker Smith did not handle the trial or appeal, but deemed this decision to be noteworthy.

At trial, a Sarasota County jury found the hospital liable for false imprisonment, medical negligence, battery, fraud, and intentional infliction of emotional distress, in a case arising from care and treatment in 2016. The plaintiffs raised a multitude of claims against the hospital, including that the hospital improperly contacted the Department of Children and Families to report concerns that the mother of a child diagnosed with complex regional pain syndrome demanded pain management treatment for her daughter, under the belief that the child’s mother was engaging in conduct that constituted child abuse, abandonment, or neglect. This triggered a DCF investigation and dependency proceedings. The child’s mother committed suicide several months later, allegedly as a result of her emotional distress stemming from the investigation and ensuing proceedings.

The Second District Court of Appeal concluded that the trial court erred in its interpretation and application of the statutory immunity provided by Florida Statutes Chapter 39, for persons suspecting child abuse or neglect and determined that the hospital was entitled to a new trial, as a result. Further, the Second District held that the trial court erred in failing to direct a verdict on the plaintiff’s false imprisonment claim, when the evidence showed that the hospital’s actions were either authorized or required by Chapter 39 and that the hospital was, thus, immune from civil liability. The appellate court also concluded that the defendant hospital should have received a directed verdict in its favor on the negligent and intentional infliction of emotional distress claims, finding that the evidence was legally insufficient to support those claims going to the jury.

In addition, the jury awarded \$25m in punitive damages at trial, which the appellate court determined were improper, as there was no clear and convincing evidence that the hospital actively and knowingly participated or engaged intentional misconduct or gross negligence, nor was there clear and convincing evidence that the hospital ratified the allegedly punitive conduct.

Finally, the Second District concluded that the trial court erred in failing to direct a verdict in the hospital’s favor on a fraudulent billing claim, when the plaintiffs presented no evidence that they suffered pecuniary injury from purported fraudulent billing arising from the hospital’s treatment of the child.

The Second District’s decision reverses one of the largest jury awards in the past decade in Florida, in a case that received national news coverage and publicity, including the Netflix documentary “Take Care of Maya”.