IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

Denise E. **Mann** and **Francis P**. **Mann**,
as Co-Personal Representatives of the Estate
of Nathan Francis Mann, deceased,

Plaintiffs,

v.

Caron of Florida, **Inc**., d/b/a Caron Renaissance,
a Florida corporation,

Defendant.
_____/

Civil Division: AJ
Case No.: 50-2023-CA-009963-XXXX-MB

ORDER DENYING DEFENDANT'S MOTION FOR FINAL SUMMARY JUDGMENT ON CAUSATION AND FORSEEABILITY

THIS CAUSE came before the Court for a June 2, 2025 hearing on Defendant Caron of Florida, Inc.'s "Motion for Final Summary Judgment on Causation and Foreseeability," filed January 31, 2025. Plaintiffs filed their Response on March 12, 2025, after which Defendant filed its Reply. Having reviewed Defendant's Motion and Reply, Plaintiffs' Response, the court record, the applicable law, the arguments of counsel, and being otherwise duly advised in the premises, the Court finds and rules as follows:

The facts of this case involve the untimely death of eighteen year old Nathan Francis Mann ("Nathan"). Plaintiffs are the parents of Nathan and serve as the co-personal representatives of Nathan's estate. Of salience is Nathan's medical history, which included mental health diagnoses, as well as certain substance misuse. Defendant Caron of Florida, Inc. ("Caron") is a healthcare and substance abuse provider with a facility in Delray Beach, Florida ("Caron's Facility" or the "Facility"). During the relevant period of time, Caron's employees included Anthony Campos, M.D., Caron's medical director; Lourdes Chahin, M.D., a medical doctor and psychiatrist; Jacqueline Simon, a nurse; Teresa Bairos, a family therapist; and Stuart Warren, a counselor.

On June 15, 2020, Nathan was admitted to Caron's Facility for continued treatment, having completed an earlier course of treatment at a separate facility in Pennsylvania, the state of residence for Nathan and his parents. On September 12, 2020, Nathan left or "eloped" from the Facility, leaving behind his cellphone and financial resources. Plaintiffs were notified of Nathan's elopement, but Caron did not notify law enforcement. The precise whereabouts and actions of Nathan following his elopement are unclear, but it is undisputed that Nathan was struck and killed by a train on September 14, 2020, in Oakland Park, Florida. An autopsy indicates the presence of alcohol, cocaine and Dextromethorphan in Nathan's system, but the parties dispute the accuracy of this post-mortem examination.

Plaintiffs initiated this wrongful death action by the filing of their Second Amended Complaint on August 23, 2023, in which they raise the following claims against Caron: Vicarious Liability (Count IV); Vicarious Liability (Count VII); Negligence (Count VIII); Breach of Fiduciary Duty (Count IX); Violation of §415.1111, Fla. Stat. (Count X); and Negligent Hiring, Supervision and Retention (Count XI). On September 22, 2023, Caron filed its Answer, which raises thirty-seven affirmative defenses. A series of motions for summary judgment ensued, including the instant Motion.[1]

Summary judgment is appropriate when there is no genuine dispute as to any material fact and the moving party is entitled to judgment as a matter of law. Fla. R. Civ. P. 1.510(a). The gravamen of Plaintiffs' case is that Caron deviated from multiple standards of care in treating Nathan, who fled Caron's Facility in a vulnerable state without resources and died. Although not expressly directed at a single cause of action, the instant Motion seeks summary judgment on the

[1] In addition to the instant Motion, Defendant Caron of Florida, Inc., contemporaneously and separately moved for summary judgment on Plaintiffs' claims for vicarious liability, violation of §415.1111, Fla. Stat., and negligent hiring, supervision and retention, as well as on Caron's affirmative defense under §768.36, Fla. Stat. *See* D.E. 407 and 422.

issues of causation and foreseeability, which the Court construes as seeking summary judgment on Plaintiffs' Negligence claim in Count VIII. A negligence claim consists of duty, breach, causation and damages. *Bartsch v. Costello*, 170 So. 3d 83, 86 (Fla. 4th DCA 2015). In its Motion, Caron substantively argues Plaintiffs are unable to establish the elements of duty and causation, insofar as Nathan's death was not a foreseeable result of Caron's alleged actions or omissions. Caron further argues Plaintiffs impermissibly stack inferences in order to demonstrate their negligence claim. For the following reasons, the Motion is denied.

The Court begins its analysis by recognizing the Florida Supreme Court's decision in *McCain v. Fla. Power Corp*., 593 So. 2d 500 (Fla. 1992), which distinguished foreseeability as it relates to the elements of duty and causation in a negligence claim. As articulated in *McCain*, "[t]he duty of negligence focuses on whether the defendant's conduct foreseeably created a broader 'zone of risk' that poses a general threat of harm to others." *Id*. at 502. "The proximate causation element, on the other hand, is concerned with whether and to what extent the defendant's conduct foreseeably and substantially caused the specific injury that actually occurred." *Id*. As further explained by the Florida Supreme Court:

> [T]he former is a minimal threshold legal requirement for opening the courthouse doors, whereas the latter is part of the much more specific factual requirement that must be proved to win the case once the courthouse doors are open. As is obvious, a defendant might be under a legal duty of care to a specific plaintiff, but still not be liable for negligence because proximate causation cannot be proven.

Id. at 502-03.

The threshold legal question before the Court is thus: whether Caron's alleged acts or omissions placed Nathan within a foreseeable "zone of risk." Naturally, Caron answers this question in the negative. According to Caron, Nathan voluntarily eloped from the Facility as an eighteen year old adult. Caron argues its obligations extend only to its active patients; when Nathan

eloped, Caron asserts he became an inactive patient for whom Caron no longer owed any duty. As jurisprudential support, Caron relies on *Surloff v. Regions Bank*, 179 So. 3d 472 (Fla. 4th DCA 2015). The issue in *Surloff* concerned a bank's duty to prevent a client's self-harm. The bank was previously instructed to cease direct contact with the client due to his anxiety. *Id*. at 473. The bank ignored this instruction and contacted the client about a mortgage loan, after which the client committed suicide. *Id*. at 474. The Appellate Court held the bank did not owe a duty to prevent the client's self-harm because the bank "neither supervises its clients' day-to-day activities, nor exerts any type of supervisory control over them." *Id*. at 477.

Generally, a doctor cannot be liable for the self-harm of its patient, absent a specific duty of care or position of control. *Andreasen v. Klein, Glasser, Park & Lowe, P.L*., 342 So. 3d 732, 734 (Fla. 3d DCA 2022). In their Response, Plaintiffs argue Caron mischaracterizes the premise of their Negligence claim. As alleged by Plaintiffs, Caron's duty was not to prevent Nathan's death after his elopement, but to exercise a reasonable standard of care in treating Nathan to prevent a risk of elopement and death. More specifically, Plaintiffs allege Caron knew of Nathan's vulnerabilities, yet mistreated Nathan and failed to reasonably assist in locating Nathan, culminating in his death. As support, Plaintiffs direct the Court to *Chirillo v. Granicz*, 199 So. 3d 246 (Fla. 2016), which concerned a treating physician's duty to a patient who committed suicide. The trial court entered summary judgment for the physician, finding he lacked a duty to exercise reasonable care for the patient who was no longer under his supervision and control. *Id*. at 248. The Appellate Court reversed, holding the physician's duty was not to prevent the patient's self-harm, but to "exercise reasonable care in his treatment[.]" *Id*. The Florida Supreme Court agreed, finding "the nonexistence of a one specific duty does not mean Dr. Chirillo owed the decedent no duty at all." *Id*. at 251-52.

Of instruction is the recent decision in *Burley v. Village South, Inc*., 407 So. 3d 572 (Fla. 3d DCA 2025). In *Burley*, the decedent was involuntarily committed to an addiction treatment facility based on his history of drug overdoses. *Id*. at 573-74. During his commitment, the decedent violated the facility's rules when he tested positive for controlled substances, resulting in his discharge from the facility and placement in a homeless shelter. *Id*. at 574. The decedent died from an overdose two months later. *Id*. The estate filed a wrongful death action against the facility, but the trial court entered summary judgment for the facility, finding it owed no duty to the decedent after his discharge and owed no duty to prevent the decedent's death. *Id*. at 576. In reversing the trial court, the Third District Court of Appeal noted the four sources of duty under Florida law:

> Such a duty 'may arise from four general sources,' e.g., '(1) legislative enactments or administration regulations; (2) judicial interpretations of such enactments or regulations; (3) other judicial precedent; and (4) a duty arising from the general facts of the case.'

Id. at 576-77 (quoting *White v. Ring Power Corp*., 261 So. 3d 689, 697 (Fla. 3d DCA 2018)). In so holding, the Appellate Court observed the estate's wrongful death claim challenged the manner—and not the act—of discharging the decedent. *Id*. at 579. Relying on *Chirillo*, *supra*, the Appellate Court found the facility owed both a statutory duty of care and a duty arising under the facts of the case. *Id*. at 579-80. The Appellate Court then remanded on the basis that genuine issues of material fact remained in dispute as the elements of breach and causation. *Id*. at 580.

As in *Burley*, the Court finds Caron owed Nathan a duty arising from the general facts of the case. "Under this category, 'the trial and appellate courts cannot find a lack of duty if a foreseeable zone of risk more likely than not was created by the defendant.'" *Burley*, 407 So. 3d at 578 (quoting *McCain*, 593 So. 2d at 503). Here, Plaintiffs have shown evidence to this effect. Unlike the facts in *Surloff*, *supra*, Caron supervised Nathan's daily activities, prescribed him medication and administered counseling and, thus, owed a corollary duty to provide Nathan with

reasonable care. During his treatment, Nathan eloped from Caron's Facility without money or a cellphone. In the deposition of Plaintiffs' expert, Kelly J. Clark, M.D., she testified Caron's staff failed to prevent Nathan's risk of elopement by misdiagnosing Nathan, alienating Nathan, confining or restricting Nathan, and failing to prescribe and treat his known disorders. In the deposition of Plaintiffs' expert, Frank P. James, M.D., he testified Caron's staff failed to collaborate in Nathan's treatment, as well as deviated from multiple standards of care.[2] In the deposition of Plaintiffs' expert, Tommy C. McGee, LMHC, he testified Caron's staff failed to notify law enforcement when Nathan eloped and influenced Plaintiffs not to make contact with law enforcement to begin searching for Nathan. At a minimum, Plaintiffs' proffered evidence—as well as commonsense—demonstrates a vulnerable eighteen year old is placed in a foreseeable zone of risk when he elopes from a mental health and substance abuse treatment facility without financial resources. On the threshold issue of Caron's legal duty, the Court finds Caron owed a legal duty to prevent Nathan's risk of elopement and provide reasonable assistance at the time of Nathan's elopement. *See Burley*, 407 So. 3d at 579 ("The Estate's claim challenges Village South's provision of care, even if it was the final act of care in the service provider/client relationship").

Turning to the element of proximate causation, the Court finds genuine issues of disputed material fact preclude summary judgment. As noted above, proximate causation involves whether "the defendant's conduct foreseeably and substantially caused the specific injury that actually occurred." *McCain*, 593 So. 2d at 502. In its Motion, Caron maintains the specific injury in this case—i.e., Nathan's death in a train accident—was an unforeseeable result of Caron's alleged

[2] By its Order entered June 28, 2025, the Court partially granted Defendant Caron of Florida, Inc.'s Daubert Motion on Frank P. James, M.D., to the extent his expert testimony relates to the issue of causation. *See* D.E. 628; *see also McCain v. Fla. Power Corp*., 593 So. 2d 500 (Fla. 1992) (distinguishing duty and causation in a negligence claim).

negligent treatment of Nathan at the Facility. Simply put, Caron argues no link exists between Caron's treatment of Nathan and Nathan's death.

The Court is cognizant that, unless the facts are unequivocal, the issue of foreseeability in a negligence claim is generally resolved by the fact-finder. *Id*. at 504. In its Response, Plaintiffs assert Nathan's death was a foreseeable result of Caron's conduct. According to the deposition of Kelly J. Clark, M.D., Caron deviated from the standard of care in treating Nathan by (a) misdiagnosing his psychiatric issues, (b) poorly collaborating in his treatment, (c) failing to monitor his drug use, (d) treating him without licensed therapists, (e) punishing and shaming him, (f) infantilizing him, (g) isolating him, (h) monitoring and separating him from his emotional support, including his parents and cello playing and (i) confiscating his cellphone and wallet. These deviations, she testified, more likely than not resulted in Nathan's death. *See Aragon v. Issa*, 103 So. 3d 887, 892 (Fla. 4th DCA 2012) (quoting *Gooding v. Univ. Hosp. Bldg., Inc*., 445 So. 2d 1015, 1018 (Fla. 1984)) ("Regarding causation in negligence cases, 'Florida courts follow the more likely than not standard of causation and require proof that the negligence probably caused the plaintiff's injury'"). In its Reply, Caron reiterates no causal link exists between its treatment of Nathan and his death, but Caron's argument is fact-dependent. "[A]n issue of fact is 'material' if it could have any bearing on the outcome of the case under the applicable law." *Del Rio v. Russell Eng'g, Inc*., 351 So. 3d 1180, 1182 (Fla. 3d DCA 2022). Accordingly, to the extent Caron seeks summary judgment on the element of proximate causation, the Motion is denied.

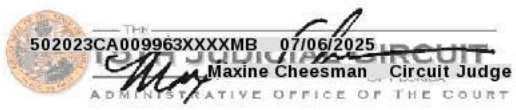
As an extension of its causation argument, Caron contends Plaintiffs' Negligence claim is based on speculation and the impermissible stacking of inferences. The Court disagrees. "The purpose of this rule against stacking inferences is 'to protect litigants from verdicts based on conjecture and speculation.'" *Broward Exec. Builders, Inc. v. Zota*, 192 So. 3d 534, 537 (Fla. 4th

DCA 2016) (quoting *Stanley v. Marceaux*, 991 So. 2d 938, 940 (Fla. 4th DCA 2008)). As noted above, Plaintiffs allege Caron deviated from the standard of care in treating Nathan that resulted in his foreseeable death. Plaintiffs' Negligence claim is not based on a series of inferences or speculations; Plaintiffs have proffered evidence, *supra*, including the testimony of expert witnesses, that Nathan would not have died but-for Caron's alleged breach of its legal duty. Consequently, the Court finds genuine issues of disputed material fact exist on the issue of proximate causation and foreseeability in Plaintiffs' Negligence claim in Count VIII. Summary judgment is not appropriate where a genuine dispute as to any material facts remain. *Blind Monk, LLC v. Uso Norge Whitney, LLC*, 368 So. 3d 980, 983 (Fla. 4th DCA 2023). Accordingly, the Motion is denied.

It is, therefore,

ORDERED AND ADJUDGED that Defendant Caron of Florida, Inc.'s "Motion for Final Summary Judgment on Causation and Foreseeability," filed January 31, 2025, is DENIED for the reasons set forth above.

DONE AND ORDERED in Chambers in West Palm Beach, Palm Beach County, Florida.



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Maxine Cheesman
Circuit Judge

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