

368 So.2d 945

District Court of Appeal of Florida, Third District.

Manuel GARCIA and Elia Garcia, Appellants,

v.

JARVIS CORPORATION and Travelers

Insurance Company, Appellees.

No. 77-2348.

|

March 20, 1979.

Plaintiff filed complaint charging defendant with negligence in manufacture of a pneumatic saw purchased by plaintiff's employer. The Circuit Court, Dade County, Dan Satin, J., entered judgment pursuant to jury verdict in favor of defendant, and plaintiff appealed. The District Court of Appeal held that no error occurred in not permitting testimony as to purpose and effect of alterations and modifications to subject saw.

Affirmed.

Schwartz, J., concurred in conclusion.

West Headnotes (2)

[1] Products Liability

🔑 Saws, Grinders, and Cutters

Products Liability

🔑 Admissibility of Evidence

313A Products Liability

313AIII Particular Products

313Ak262 Saws, Grinders, and Cutters

(Formerly 313Ak81.1, 313Ak81)

313A Products Liability

313AIV Actions

313AIV(C) Evidence

313AIV(C)3 Admissibility of Evidence

313Ak360 In General

(Formerly 313Ak81.1, 313Ak81)

In action in which plaintiff charged defendant with negligence in manufacture of a pneumatic saw purchased by plaintiff's employer, no error occurred in not permitting

testimony as to purpose and effect of alterations and modifications to subject saw.

Cases that cite this headnote**[2] Evidence**

🔑 Credibility of Witnesses in General

157 Evidence

157XIV Weight and Sufficiency

157k588 Credibility of Witnesses in General

When physical situations or matters of common knowledge point so certainly to the truth as to leave no room for a contrary determination, based on reason and common sense, such physical situation and reasonable probabilities are not affected by sworn testimony which, in mere words, conflicts therewith.

Cases that cite this headnote**Attorneys and Law Firms**

*945 Duran, Cantera, Kalish, Schere & Press and Mark D. Press, Miami, for appellants.

Adams & Ward and Amy Shield Levine, Miami, for appellees.

Before PEARSON, KEHOE and SCHWARTZ, JJ.

Opinion

PER CURIAM.

[1] [2] The appellant, Manuel Garcia, was the plaintiff in the trial court where he suffered an adverse jury verdict on his complaint charging the Jarvis Corporation, the defendant-appellee, with negligence in the manufacture of a pneumatic saw purchased by Garcia's employer. The single point raised on this appeal is:

“Did the trial court err by not permitting testimony as to the purpose and effect of alterations and modifications to the subject saw?”

Our review of the record in the light of the briefs and oral argument does not disclose the error claimed. The

judgment is affirmed upon authority of the rule stated in [Florida Power Corporation v. Willis](#), 112 So.2d 15, 20 (Fla. 1st DCA 1959):

“It is a sound rule that when physical situations or matters of common knowledge point so certainly to the truth as to leave no room for a contrary determination, based on reason and common sense, such physical situation and reasonable probabilities are not

affected by sworn testimony which, in mere words, conflicts therewith.”

Affirmed.

SCHWARTZ, J., concurs in conclusion.

All Citations

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