

No. 26A_____

IN THE
Supreme Court of the United States

1898, LLC, ET AL.,
Applicants,

v.

SKANSKA USA CIVIL SOUTHEAST, INC., ET AL.,
Respondents.

**UNOPPOSED APPLICATION FOR AN EXTENSION OF TIME WITHIN
WHICH TO FILE A PETITION FOR A WRIT OF CERTIORARI TO THE
DISTRICT COURT OF APPEAL OF FLORIDA, FIRST DISTRICT**

To the Honorable Clarence Thomas, Associate Justice of the Supreme Court of the
United States and Circuit Justice for the Eleventh Circuit

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CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 29.6, applicants state as follows. There are 474 applicants, each of whom is identified in Appendix E. The applicants listed below are the only applicants that, to counsel's present knowledge, have a parent corporation or a publicly held company owning 10% or more of their stock or membership interests:

American Painting Plus, LLC is a subsidiary of Biltmark Organization and Andrew Doane, LLC, and no publicly traded company owns 10% or more of its stock.

Baptist Hospital, Baptist Medical Group, LLC, and Gulf Breeze Hospital, are all subsidiaries of Baptist Health Care, Inc. None have more than 10% of their respective stock owned by a publicly held company.

East Bay Plumbing and Heating, LLC is a subsidiary of Southern Comfort Builders, Inc., and no publicly traded company owns 10% or more of its stock.

Granger Development & Brokerage Services, Inc. is a subsidiary of Granger Development, Inc., and no publicly traded company owns 10% or more of its stock.

Lamar Texas Limited Partnership is a subsidiary of Lamar Media Corp., which is wholly owned by Lamar Advertising Company, a publicly held company (NASDAQ: LAMR).

Landry's Seafood House Florida, Inc. is a subsidiary of Landry's, Inc. and Fertitta Entertainment, Inc., and no publicly traded company owns 10% or more of its stock.

Rouchon, Inc. is a subsidiary of WCR of Florida, Inc. No publicly traded company owns 10% or more of its stock.

Southeastern Sash & Door, Inc. is a subsidiary of SESD Holdings, Inc., and no publicly traded company owns 10% or more of its stock.

Spirit Gate Medicine, Inc. is a subsidiary of Twyn Dragon, Inc., and no publicly traded company owns 10% or more of its stock.

Ticket Sports Bar 3, Inc. is a subsidiary of The Tickets Sports Bar, and no publicly traded company owns 10% or more of its stock.

Towns, Inc. is a subsidiary of TWP, Inc., and no publicly traded company owns 10% or more of its stock.

Based on the information presently available to counsel and on counsel's good-faith belief, no other applicant that is a corporation or limited liability company has a parent corporation, and no publicly held company owns 10% or more of the stock or membership interests of any other applicant. Counsel have not yet confirmed that information with every applicant, because Hurricane Isaias struck the Pensacola area on October 9, 2026, and many applicants remain without power or ordinary communications. Counsel will confirm it as communications are restored, will promptly inform the Clerk by letter of any correction or addition, as the Rule contemplates, and will include a complete statement in applicants' next filing in this Court.

Applicants that are not corporations. The applicants identified in Part A of Appendix E are individuals, individuals doing business under a trade name, or trusts. They are not corporations and have no disclosure to make under Rule 29.6. Applicant

Emerald Coast Utility Authority, also identified in Part A, is a governmental entity and not a nongovernmental corporation within the meaning of the Rule.

Continuing duty. Counsel will promptly inform the Clerk by letter of any material change in the information contained in this Statement, including any amendment needed to make it current.

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**TO THE HONORABLE CLARENCE THOMAS, ASSOCIATE JUSTICE OF
THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE
FOR THE ELEVENTH CIRCUIT:**

Pursuant to 28 U.S.C. § 2101(c) and Rules 13.5, 21, 22, 30.2, and 30.3 of the Rules of this Court, applicants 1898, LLC, and 473 other plaintiffs below respectfully submit this unopposed application for a 60-day extension of time, to and including Monday, December 28, 2026, within which to file a petition for a writ of certiorari to review the judgment of the District Court of Appeal of Florida, First District, in *1898, LLC v. Skanska USA Civil Southeast, Inc.*, No. 1D2025-0246 (Fla. 1st Dist. Ct. App. July 31, 2026). Absent an extension, the petition is due on October 29, 2026. This application is filed more than ten days before that date. *See* Sup. Ct. R. 13.5, 30.2. Applicants were the appellants in No. 1D2025-0246. Because any extension granted applies only to the parties named in the application, Sup. Ct. R. 13.5, each applicant is identified by name in Appendix E.

THE DECISION BELOW

This case arises from the closure of the Pensacola Bay Bridge for more than eight months, from September 16, 2020, until May 28, 2021. During Hurricane Sally, twenty-seven of respondents' fifty-five construction barges broke free of their moorings, and four of them struck and damaged the bridge. App. 4a, 14a; *In re Skanska USA Civil Se. Inc.*, 577 F. Supp. 3d 1302, 1308, 1312–1313 (N.D. Fla. 2021). A federal district court sitting in admiralty, in limitation-of-liability proceedings that respondents themselves initiated, found after a bench trial that respondents' negligence caused the breakaway and that the negligence was within their privity

and knowledge; the Eleventh Circuit affirmed. *Id.* at 1317–1324, *aff’d sub nom. Skanska USA Civil Se. Inc. v. Bagelheads, Inc.*, 75 F.4th 1290, 1298, 1310 (11th Cir. 2023).

Applicants are 474 Florida businesses and individuals who suffered economic losses when the bridge closed. They sued respondents in Florida circuit court under Florida tort law, invoking the saving-to-suitors clause, 28 U.S.C. § 1333(1). Sitting as a three-judge panel, the circuit court dismissed applicants’ negligence claims with prejudice, holding that the general maritime law rule derived from *Robins Dry Dock & Repair Co. v. Flint*, 275 U.S. 303 (1927), bars recovery of economic loss absent physical damage to the plaintiff’s own property, and that “if maritime jurisdiction applies and maritime law bars a claim, Florida law may not be applied to circumvent such bar.” *In re Skanska Hurricane Sally Cases*, No. 2023-CA-11000, slip op. at 6 (Fla. Cir. Ct. Feb. 21, 2024) (App. 19a). It later entered final judgment on the remaining counts in every economic loss case. *In re Skanska Hurricane Sally Cases*, No. 2023-CA-11000, slip op. at 7 (Fla. Cir. Ct. Dec. 5, 2024) (App. 10a). On July 31, 2026, the First District Court of Appeal affirmed without opinion. *1898, LLC v. Skanska USA Civil Southeast, Inc.*, No. 1D2025-0246 (Fla. 1st Dist. Ct. App. July 31, 2026) (App. 2a). No party sought rehearing, and the mandate issued on August 19, 2026. *1898, LLC v. Skanska USA Civ. Se., Inc.*, No. 1D2025-0246 (Fla. 1st Dist. Ct. App. Aug. 19, 2026) (mandate) (App. 25a).

The petition will present two questions, both of which were raised and briefed at every stage below. The first is whether the judge-made *Robins Dry Dock*

economic-loss rule preempts a state’s tort law under *Southern Pacific Co. v. Jensen*, 244 U.S. 205 (1917), and *American Dredging Co. v. Miller*, 510 U.S. 443 (1994), when a maritime case is brought in state court under the saving-to-suitors clause. This Court has never extended the rule beyond its original holding, and the First and Ninth Circuits have held that it is not a “characteristic feature” of maritime law. See *Ballard Shipping Co. v. Beach Shellfish*, 32 F.3d 623, 627–628 (1st Cir. 1994); *In re Exxon Valdez*, 270 F.3d 1215, 1251 (9th Cir. 2001). The Fifth Circuit holds that it does preempt state law, *IMTT-Gretna v. Robert E. Lee SS*, 993 F.2d 1193, 1195 (5th Cir. 1993), and the trial court below followed that decision, holding that the court “must follow the broadened version of the *Robins Dry Dock* rule” and that “Florida law may not be applied to circumvent such bar.” App. 19a–20a; see App. 2a. The second is whether the *Robins Dry Dock* rule, if it governs, reaches intentional torts. Applicants argued below that it does not, and that summary judgment on those claims was improperly granted under Florida’s objective standard. The first point divides the circuits. See *In re Deepwater Horizon*, 784 F.3d 1019, 1024–25 & n.6 (5th Cir. 2015) (contrasting *Ballard*, 32 F.3d at 625 n.1, with *Nautilus Marine, Inc. v. Niemela*, 170 F.3d 1195, 1196–97 (9th Cir. 1999), and reserving the question).

JURISDICTION

This Court will have jurisdiction under 28 U.S.C. § 1257(a). The First District’s judgment is the decision of “the highest court of a State in which a decision could be had.” Under Article V, § 3(b)(3) of the Florida Constitution, the Supreme Court of Florida lacks jurisdiction to review a district court of appeal decision issued without

a written opinion. *Jenkins v. State*, 385 So. 2d 1356, 1359 (Fla. 1980). As the Florida Supreme Court has explained, “a district court decision rendered without opinion or citation constitutes a decision from the highest state court empowered to hear the cause, and appeal may be taken directly to the United States Supreme Court.” *Florida Star v. B.J.F.*, 530 So. 2d 286, 288 n.3 (Fla. 1988); *see Florida Star v. B.J.F.*, 491 U.S. 524 (1989). This Court has so held. *Nash v. Florida Indus. Comm’n*, 389 U.S. 235, 238 (1967). The federal question—whether federal maritime law displaces Florida law—was the sole ground on which applicants’ negligence claims were dismissed and was pressed and decided at every stage below.

The judgment sought to be reviewed was entered on July 31, 2026. No petition for rehearing was filed. Under Rules 13.1 and 13.3, the time to file a petition for a writ of certiorari expires on October 29, 2026. A copy of the First District’s decision is attached as Appendix A; the trial court’s final judgment and its order dismissing the negligence claims, which the First District affirmed, are attached as Appendices B and C. The mandate is attached as Appendix D. There is no order respecting rehearing.

REASONS JUSTIFYING AN EXTENSION OF TIME

Applicants recognize that an application to extend the time to file a petition for a writ of certiorari “is not favored,” Sup. Ct. R. 13.5, and that counsel’s caseload, however heavy, is not good cause “unless it is the result of events unforeseen and uncontrollable by both counsel and client.” *Mississippi v. Turner*, 498 U.S. 1306, 1306 (1991) (Scalia, J., in chambers). The grounds set out below are of a different character.

They arise from the structure of this case: 474 applicants, a decision rendered without opinion, and a significant decision on the question presented issued after the judgment below. They also arise from a hurricane that struck the Pensacola area on October 9, 2026, cut power to counsel's offices for several days, and has left many applicants without power as this application is filed. None rests on the press of counsel's other business.

1. *The number of petitioners imposes unusual compliance burdens that cannot be completed within the original period.* This is not a single-plaintiff case. The judgment below disposed of the claims of 474 separately filed plaintiffs, consolidated for appeal by order of the trial court. Rule 14.1(b)(i) requires that every petitioner be identified in the petition, and Rule 29.6 requires a corporate disclosure statement for each of the hundreds of corporate and limited-liability-company petitioners identified in Part B of Appendix E, identifying any parent corporation and any publicly held company owning ten percent or more of its stock, with ticker symbols. Rule 29.6 requires the same statement in this application. Counsel have made it on the information presently available and in good faith and will confirm it with each applicant and supplement it as communications are restored. *See* Corporate Disclosure Statement, *supra*. Assembling accurate disclosures from several hundred small businesses, among them restaurants, retailers, service providers on both sides of Pensacola Bay, requires individual client contact and verification. Counsel began that process once the mandate issued and shortly after the decision to prepare a petition was made. As explained next, a hurricane has now interrupted the process.

A petition filed with an incomplete or inaccurate disclosure statement would have to be corrected, burdening the Court and respondents alike.

2. *Hurricane Isaias struck the Pensacola area on October 9, 2026, in the final three weeks of the filing period, cutting power to counsel's offices for several days and leaving many applicants and counsel's staff without power as this application is filed.* On the evening of Friday, October 9, 2026, Hurricane Isaias made landfall near Destin, Florida, as a Category 2 hurricane with maximum sustained winds of 105 miles per hour. App. 56a (National Hurricane Center, Tropical Cyclone Update, 9:00 p.m. CDT, Oct. 9, 2026). Although Pensacola lay west of the eye, on what is ordinarily the weaker side of such a storm, an unusual wind phenomenon drove the storm's most destructive gusts to the west: the National Hurricane Center reported a gust of 116 miles per hour, with sustained winds of 91 miles per hour, at Santa Rosa Sound (the body of water separating Gulf Breeze from Pensacola Beach, where many applicants operate) and gusts reaching 100 miles per hour at Pensacola. *Id.* The National Weather Service issued an extreme wind warning for Pensacola, and gusts of 102 miles per hour were measured at Pensacola City Hall and 117 miles per hour near Oriole Beach. App. 59a.

Counsel's offices, all of them in Pensacola, lost power before landfall and were without it for several days afterward. Many applicants' businesses and homes remain without power as this application is filed. During the outage, counsel could neither reach clients nor prepare this application, and the client-by-client disclosure process described above has not fully resumed, because many clients who hold the

information are the ones still without power, telephone or internet service, or access to their records, and some are addressing damage to their premises. These circumstances are precisely the kind of event “unforeseen and uncontrollable by both counsel and client” that distinguishes good cause from the ordinary burdens of practice. *Mississippi v. Turner*, 498 U.S. at 1306. They are also why the Corporate Disclosure Statement in this application may require supplementation: the information needed to confirm it is held by applicants who cannot presently be reached.

3. *The decision below was rendered without opinion, which enlarges the petition and its appendix.* Because the First District affirmed in a single word, the petition must reconstruct the reasoning under review from the trial court’s two orders, explain to the Court why the Florida Supreme Court could not review the decision, and demonstrate, without the aid of an appellate opinion, that the judgment rests on federal rather than state grounds. Each of those tasks adds pages to the petition and to the appendix.

4. *A significant decision on the question presented issued after the judgment below.* On August 25, 2026, less than four weeks after the First District’s decision, the United States District Court for the District of Maryland applied Robins Dry Dock to dismiss the economic-loss claims of the City of Baltimore, Baltimore County, and scores of businesses arising from the destruction of the Francis Scott Key Bridge, while expressly declining to decide whether state law permitting such recovery would be preempted. *Matter of Grace Ocean Private Ltd.*, ___ F. Supp. 3d ___, 2026 WL

2482018 (D. Md. Aug. 25, 2026). That decision could not have been accounted for when the time to petition began to run. Counsel require time to determine whether an appeal has been noticed and to confer with counsel for the affected claimants regarding participation as amici curiae; because cert-stage amicus briefs are due thirty days after docketing, Sup. Ct. R. 37.2, that coordination must precede the petition.

5. *Applicants are represented by five law firms, and the petition requires coordination among them.* Applicants' counsel practice in five separate firms in Pensacola, each responsible for different groups of plaintiffs below. A petition to this Court speaking for all 474 applicants requires a single, coordinated presentation, and the review and approval process across five firms and hundreds of clients takes time that a single-client petition does not. Counsel have also conferred with members of this Court's Bar who have filed petitions here, and the requested extension would allow applicants to seek the guidance of counsel with experience before this Court, an opportunity that the interests of 474 clients warrant and that the present schedule does not permit.

6. *The extension will not prejudice respondents.* Judgment was entered in respondents' favor, and applicants' claims have been dismissed. No proceedings in any court depend on the timing of the petition, no stay is sought or in effect, and respondents face no ongoing litigation burden in the interim. The only effect of the extension is to permit a more carefully prepared petition, which serves the Court's interests as well as the parties'. Counsel for applicants advised counsel for

respondents of this application on October 8, 2026, and respondents have stated that they do not oppose it.

7. This application is made in good faith and not for purposes of delay. Applicants have not previously sought an extension of time in this matter, and the requested extension does not exceed the sixty days permitted by Rule 13.5 and 28 U.S.C. § 2101(c).

CONCLUSION

For the foregoing reasons, applicants respectfully request that the time within which to file a petition for a writ of certiorari be extended sixty days, to and including December 28, 2026.

Date: October 14, 2026

Respectfully submitted,

/s/ Stephen H. Echsner

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Counsel for Applicants

CERTIFICATE OF SERVICE

I certify that I am a member in good standing of the Bar of this Court and that on October 14, 2026, I caused a copy of the foregoing Unopposed Application for an Extension of Time Within Which to File a Petition for a Writ of Certiorari, with its appendices, to be served by electronic mail and by first-class mail, postage prepaid, on counsel for respondents, pursuant to Rules 29.3 and 29.5 of the Rules of this Court, on the following counsel for respondents Skanska USA Civil Southeast, Inc. and Skanska USA Civil, Inc.:

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Counsel for Respondents

All parties required to be served have been served.

/s/ Stephen H. Echsner

Stephen H. Echsner

Counsel of Record

APPENDIX

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FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D2025-0246

1898, LLC, et al.,

Appellants,

v.

SKANSKA USA CIVIL SOUTHEAST,
INC., and SKANSKA USA CIVIL,
INC.,

Appellees.

On appeal from the Circuit Court for Escambia County.
Jan Shackelford, Jennifer J. Frydrychowicz, and Amy P.
Brodersen, Judges.

July 31, 2026

PER CURIAM.

AFFIRMED.

ROBERTS, RAY, and TREADWELL, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

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D. Bailey Howard and Trevor A. Thompson of Clark Partington, Tallahassee; Scott A. Remington, Jeremy C. Branning, and Andrew K. Spencer of Clark Partington, Pensacola; Mihaela Cabulea of Butler Weihmuller Katz Craig LLP, Tampa; Harold K. Watson, pro hac vice, and Kenneth H. Tribuch of Chaffe McCall, LLP, Houston, Texas, for Appellees.

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT
ESCAMBIA COUNTY
CIVIL DIVISION**

IN RE: *SKANSKA HURRICANE SALLY CASES*

Case No. 2023-CA-11000

Pertains to: *All Economic Loss Only Cases*

**FINAL JUDGMENT AND ORDER GRANTING DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT AND MOTION TO DISMISS**

Pending before the Court are the Motions for Summary Judgment and to Dismiss of Defendants Skanska USA Civil Southeast Inc., Skanska USA Inc., and Skanska USA Civil Inc. (collectively "Skanska"). For the reasons stated herein, these motions are granted.

FACTUAL AND PROCEDURAL BACKGROUND

"At the time of Hurricane Sally in September 2020, the fleet consisted of 55 barges. Twenty-seven of these barges broke away in Hurricane Sally, and four allided with and damaged the Pensacola Bay Bridge, forcing closure of the bridge for a number of months."¹ Plaintiffs are businesses and individuals who claim they suffered economic loss because of the damage to the bridge.

In their Complaints, Plaintiffs alleged negligence, gross negligence, intentional misconduct, private nuisance, and public nuisance. None of Plaintiffs alleged a proprietary interest in the bridge, and the Court dismissed Plaintiffs' negligence and gross negligence claims with prejudice as being barred by the decision in *Robins Dry Dock v. Flint*, 275 U.S. 303 (1927) and

¹ Order on Defendants' Motion to Dismiss Based on *Robins Dry Dock & Repair Co. v. Flint* Per This Court's Order Entered July 10, 2023 at 1, *In Re: Skanska Hurricane Sally Cases*, No. 2023-CA-011000 (Fla. 1st Cir. Ct. Feb. 21., 2024).

cases following that decision. The Court also dismissed Plaintiffs' claims for intentional misconduct, private nuisance, and public nuisance without prejudice, and gave Plaintiffs leave to amend these complaints to attempt to state claims for intentional torts.

Plaintiffs then filed their First Amended Complaint ("FAC"). The FAC alleged the following counts:

1. Intentional misconduct;
2. Negligence;
3. Gross negligence;
4. Negligence *per se* pursuant to Section 376.041 and 376.313, Florida Statutes;
5. Private claim for public nuisance; and
6. Private nuisance.

Count 5, a private claim for public nuisance, and Count 6, private nuisance, allege intentional conduct.

SKANSKA'S MOTION TO DISMISS

As noted above, this Court's Order, dated February 21, 2024, dismissed Counts 2 and 3 with prejudice. Plaintiffs have not filed any opposition to Skanska's Motion to Dismiss Count 4. Accordingly, Count 4 is dismissed with prejudice. Skanska's Motion to Dismiss as to the remaining counts in the FAC is moot based upon the decision on Defendants' Motion for Summary Judgment addressed below.

SKANSKA'S MOTION FOR SUMMARY JUDGMENT

Plaintiffs' FAC alleges that Skanska's conduct that led to the bridge damage constituted an intentional tort. The Restatement (Third) of Torts: Liability for Physical and Emotional Harm ("Restatement") § 1 defines "intent" as follows: "A person acts with the intent to produce a

consequence if: (a) the person acts with the purpose of producing that consequence; or (b) the person acts knowing that the consequence is substantially certain to result.” To succeed, Plaintiffs must plead that Skanska believed or should have believed such economic damages to Plaintiffs were substantially certain to result from their actions. *See Spivey v. Battaglia*, 258 So. 2d 815, 817 (Fla. 1972) (“Where a reasonable man would believe that a particular result was [s]ubstantially certain to follow, he will be held in the eyes of the law as though he had intended it.”) (citing Restatement (Second) of Torts, § 8A (1965)). Plaintiffs do not allege that Skanska acted with the purpose of damaging the Pensacola Bay Bridge. Accordingly, for Skanska’s actions to have constituted an intentional tort, it must have been substantially certain that Plaintiffs’ damages would result from Skanska’s actions.

There are no disputed issues of material fact, and Plaintiff has failed to prove substantial certainty as a matter of law. In connection with its Motion for Summary Judgment, Skanska filed Defendants’ Amended Statement of Undisputed Material Facts (“Statement of Material Facts”). Plaintiffs in turn filed their Response in Opposition to Defendants’ Statement of Material Facts and Statement of Additional Facts (“Response in Opposition”). In this Response in Opposition, Plaintiffs admitted that certain paragraphs in the Statement of Material Facts were undisputed. These admissions and the applicable law establish Skanska’s entitlement to summary judgment.

1. All barges that damaged the Pensacola Bay Bridge only broke away once tropical storm conditions were encountered.

Plaintiffs make the following admissions in their Response in Opposition:

27. At approximately 7:30 a.m. [on Tuesday, September 15], a barge breaks loose and strikes the bridge.

ANSWER: Undisputed.

28. At approximately 6:00 p.m. [on Tuesday, September 15], wind speed is 52 mph and significant wave height is 5.3 feet. A second barge breaks loose and hits the bridge.

ANSWER: Undisputed.

These admissions are consistent with the findings of fact in the underlying limitation of liability case that was tried in the United States District Court for the Northern District of Florida in October 2021, where Judge Collier made the following findings of fact:

At 3:00 AM on Tuesday morning, the first of several barges broke free from its moorings, prompting a rescue effort by Skanska. One of the other barges that broke free struck a section of the old Pensacola Bay Bridge that had been converted into a fishing pier, while at 7:00 AM yet another barge broke free and became lodged underneath the bridge, causing visible damage to the bridge supports such that the bridge had to be closed to traffic as a precautionary measure. Another barge broke free at 6:00 PM and also became lodged under the bridge.

In re Skanska USA Civil Southeast Inc., 577 F. Supp. 3d 1302, 1312 (N.D. Fla. 2021).

Plaintiffs make the following admissions regarding weather conditions at the time these barges broke away and struck the bridge:

23. At approximately 12:00 p.m. [on Monday, September 14], significant wave heights are 3.5 feet, and wind speed is 30 to 34 mph and it is now impossible to move barges.

ANSWER: Undisputed.

24. At approximately 6:00 a.m.² on Tuesday, September 15, wind speed is 41 mph, exceeding threshold for tropical storm of 39 mph. Significant wave heights are 4.5 feet.

ANSWER: Plaintiff disputes Defendants' Paragraph 24. When the first barge broke free on Tuesday, September 15, at 3:00 a.m., wind gusts near the bridge were reported as reaching only 18 knots with sustained winds from 8 to 11 knots. The first barge to break free and impact the bridge did so later the same morning at approximately 6:30 a.m., when the wind gusts reached only 14 knots and sustained winds were 7 knots.

² Skanska admitted in its Reply Brief that the first barge broke away at 3:00 a.m. on Tuesday, September 15. This barge did not hit the bridge.

The Court does not accept Plaintiffs' position that the sustained wind speed at 6:30 a.m. on Tuesday, September 15 was only 7 knots with gusts of 14 knots when Plaintiffs admit in their response to Paragraph 23 of Skanska's Statement of Material Facts, that at noon the previous day, the wind speeds were 30 to 34 mph, or 26 to 29.5 knots. The Court rejects the notion that the wind speeds in Pensacola Bay would have significantly lessened as the storm grew closer.

Additionally, Plaintiffs do not contest that the significant wave heights at 6:30 a.m. were 4.5 feet, and did not dispute Paragraph 17 of the Statement of Material Facts that the National Weather Service had predicted that "unless Sally impacts Pensacola Bay bringing tropical storm force winds, the prediction is for sustained winds of no more than 20 knots with gusts up to 25 knots and seas of no more than two feet." Accordingly, the summary judgment evidence establishes that the 4.5-foot wave heights that existed when the first barge that hit the bridge broke away were the result of tropical storm conditions in Pensacola Bay, and that the barges that struck the bridge only broke away after tropical storm conditions were encountered in Pensacola Bay.

2. At the time Skanska decided how to secure its fleet of barges and secured its fleet, it was not "substantially certain" that Hurricane Sally would generate tropical storm conditions in Pensacola Bay.

Plaintiffs do not contest that Skanska made the decision of how and where to moor most of its barges at a meeting held at 7 a.m. on Sunday morning, September 13. They do not contest that Skanska began moving and securing barges at approximately noon on that day, nor do they contest that all but a few barges had been demobilized by 6:30 p.m. They do not contest that Skanska completed securing its barges on the morning of Monday, September 14. This is consistent with Judge Collier's findings. *See* 577 F. Supp. 3d at 1310-1312.

Plaintiffs do not contest that at approximately 4 a.m. on Sunday, September 13, approximately three hours before Skanska met to decide how it was going to secure its barges, the

National Hurricane Center (“NHC”) issued its “Tropical Cyclone Surface Wind Speed Probabilities” (“SWSP”) that showed that the 120-hour cumulative probability of tropical storm force winds at the Naval Air Station was only 53%.

Plaintiffs also do not contest that at 10:00 a.m. on Sunday, September 13, just before Skanska started demobilizing its fleet, the NHC issued an updated SWSP showing that the probability of tropical storm force winds in Pensacola Bay had decreased to 49%. Accordingly, at the time that Skanska took the actions that Plaintiffs claim constituted an intentional tort, the possibility of damage to the bridge was not “substantially certain.”

Plaintiffs make other admissions that confirm that it was never substantially certain that Hurricane Sally would have an impact on Pensacola Bay. Plaintiffs do not contest that at 4:00 a.m. on Sunday, September 13, the NHC issued Advisory 7, which contained a graphical depiction of the projected path of Hurricane Sally that showed the hurricane making landfall in south Louisiana. This is also consistent with Judge Collier’s findings. *See* 577 F. Supp. 3d at 1310-1311. Plaintiffs admit that there is a 102-mile statistical error where two-thirds of tropical systems are likely to fall within 102 miles of their forecast track line. Accordingly, there was a two-thirds probability that Hurricane Sally would make landfall more than 100 miles from Pensacola Bay. But even if the hurricane had been predicted to make landfall in Pensacola, it would not have been “substantially certain” that Hurricane Sally would have an impact in Pensacola, because there was a one-third possibility that it would have made landfall more than 102 miles away.

This Court’s conclusion that it was not substantially certain that Hurricane Sally would have an impact on Pensacola Bay is consistent with Judge Collier’s findings of fact in the limitation of liability case. Judge Collier addressed the SWSP referred to above, and pointed out that:

in the two probability reports cited above, numerous locations along the Gulf Coast were evaluated, including cities such as Mobile, Gulfport,

Stennis, New Orleans, Cameron, and Keesler Airbase, many of which were more centrally located within Sally's cone of uncertainty, but *none* of which were listed as more than 50% likely to receive 58 MPH winds.

577 F. Supp. 3d at 1319. All of the summary judgment evidence presented to this Court indicates that tropical weather systems do not behave in a “substantially certain” manner, and Plaintiffs have not presented any summary judgment evidence that would suggest otherwise.

Effective May 1, 2021, the summary judgment standard applicable to cases in Florida’s state courts is the standard “articulated by the United States Supreme Court in *Celotex Corp. v. Catrett*, 477 U.S. 317, 106 S.Ct. 2548, 91 L.Ed.2d 265 (1986); *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 106 S.Ct. 2505, 91 L.Ed.2d 202 (1986); and *Matsushita Electric Industrial Co. v. Zenith Radio Corp.*, 475 U.S. 574, 106 S.Ct. 1348, 89 L.Ed.2d 538 (1986) (together, the “federal summary judgment standard”).” *In re Amendments to Florida Rule of Civil Procedure 1.510*, 309 So. 3d 192, 2020 WL 7778179, 46 Fla. L. Weekly S6 (Fla. Dec. 31, 2020). The United States Supreme Court has “described the federal test as whether ‘the evidence is such that a reasonable jury could return a verdict for the nonmoving party.’” *Id.* at 193 (citing *Anderson*, 477 U.S. at 248). “If the evidence is merely colorable, or it is not significantly probative, summary judgment may be granted.” *Id.* A party opposing summary judgment “must do more than simply show that there is some metaphysical doubt as to the material facts.” *Id.* (citing *Matsushita*, 475 U.S. at 586).

Here, the undisputed facts show that the barges that struck the bridge broke free when subjected to tropical storm force conditions, and that at the time when Skanska made the decision of how and where to secure its barges, it was not substantially certain that damage to the bridge would result from Skanska’s actions. There being no genuine issue of material fact, Skanska’s motion for summary judgment is GRANTED, and judgment is entered in Skanska’s favor on Counts 1, 5 and 6 of the FAC.

Lastly, the Court finds the request by both parties to set policy unpersuasive. “Policy goals are not within the proper purview of our courts.” *Federal Ins. Co. v. Perlmutter*, 376 So.3d 24, 39 (Fla. 4th DCA 2023) (Artau, J., concurring specially). Article III of the Constitution extends the federal judicial power to “all cases of admiralty and maritime jurisdiction,” and gives Congress the authority to regulate that jurisdiction. Congress has allowed state courts to supplement the administration of federal maritime law by exercising concurrent jurisdiction over some admiralty cases. 28 U.S.C. § 1333 (“Savings to Suitors Clause”). Congress may, consistent with the Constitution, revise federal maritime law. *See Crowell v. Benson*, 285 U.S. 22, 55 (1932); *In re: Garnett*, 141 U.S. 1, 14 (1891). “Principles of judicial restraint require courts to defer to the broad power of the legislative branch to enact substantive law, in conformity with our State and Federal Constitutions.” *Gall v. Phillip Morris USA Inc.*, 314 So.3d 359, 360 (Fla. 3rd DCA 2020). Although the Court is cognizant of the unique nature of this incident and claims, its role is always to say what the law is not what it should be.

Accordingly, it is hereby **ORDERED and ADJUDGED**:

1. Skanska’s Motion for Summary Judgment is **GRANTED** and Plaintiffs’ intentional tort claims, Counts 1, 5, and 6 of the First Amended Complaint, are dismissed with prejudice.
2. Skanska’s Motion to Dismiss is **GRANTED** as to Count 4 of the First Amended Complaint and that claim is dismissed with prejudice. The remainder of Skanska’s Motion to Dismiss is moot based on the Court’s decision granting Skanska’s Motion for Summary Judgment as to Counts 1, 5, and 6.
3. Counts 2 and 3 of the First Amended Complaint remain dismissed with prejudice pursuant to the Court’s prior Order dated February 21, 2024 granting in-part Skanska’s original motion to dismiss.

4. Final Judgment is hereby entered in favor of Skanska. Plaintiffs shall take nothing from this action against Skanska, and Skanska shall go hence without day.

5. This Order and Judgment applies to every case asserting economic loss only, all of which were represented by the First Amended Complaint, which served as the operative pleading for all such cases pursuant to the Parties' agreement and Case Management Order No. 2 entered on March 15, 2024.

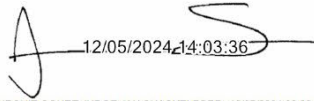
6. The Parties are directed to prepare and file an agreed list of economic loss only cases to be filed on the Master Docket in the next thirty (30) days.

7. The entry of this Order shall constitute the entry of judgment in all identified cases, as of the date of this Order. Defense is required to file a copy of this order in all identified cases within ten (10) days thereafter.

8. If any party discovers that a case was mistakenly omitted or included in the agreed list of economic loss only cases, such party may move for entry of an order modifying the list.

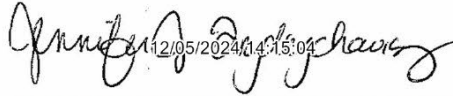
9. The Court retains jurisdiction to entertain any timely post-judgment motion to tax costs.

DONE AND ORDERED in Chambers in Pensacola, Escambia County, Florida.

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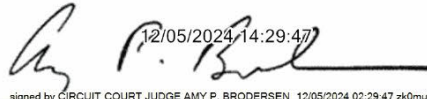
signed by CIRCUIT COURT JUDGE JAN SHACKELFORD 12/05/2024 02:03:36 F7XDvYyn

HON. JAN SHACKELFORD
CIRCUIT JUDGE

 12/05/2024 02:15:04

signed by CIRCUIT COURT JUDGE JENNIFER J FRYDRYCHOWICZ 12/05/2024 02:15:04 M5SSj86

HON. JENNIFER J. FRYDRYCHOWICZ
CIRCUIT JUDGE

 12/05/2024 14:29:47

signed by CIRCUIT COURT JUDGE AMY P. BRODERSEN 12/05/2024 02:29:47 zk0muyMV

HON. AMY P. BRODERSEN
CIRCUIT JUDGE

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT
IN AND FOR ESCAMBIA COUNTY, FLORIDA
CIVIL DIVISION**

IN RE: *SKANSKA HURRICANE SALLY CASES*

Case No. 2023 CA 011000

Pertains to: *Economic Loss Plaintiffs Only*

ORDER ON DEFENDANTS' MOTION TO DISMISS BASED ON *ROBINS DRY DOCK & REPAIR CO. v. FLINT* PER THIS COURT'S ORDER ENTERED JULY 10, 2023

THIS MATTER came before the Court on January 4, 2024, for a hearing on Defendants' Motion to Dismiss ("Motion to Dismiss"), which is based on *Robins Dry Dock & Repair Co. v. Flint*, 275 U.S. 303 (1927), and was filed by Skanska USA Civil Southeast, Inc. and Skanska USA, Inc. (jointly "Defendants" or "Skanska") on September 6, 2023. The Court, having reviewed the Motion to Dismiss, Plaintiffs' Opposition to the Motion to Dismiss filed on October 6, 2023, Defendants' Reply to Plaintiffs' Opposition filed on December 5, 2023, and having heard the arguments of counsel, finds as follows:

Factual Background

Skanska contracted with the Florida Department of Transportation ("FDOT") on July 29, 2016, to build the new Pensacola Bay Bridge. Because the bridge was being built over water, Skanska used a fleet of barges to build the bridge. At the time of Hurricane Sally in September 2020, the fleet consisted of 55 barges. Twenty-seven of these barges broke away in Hurricane Sally, and four allided with and damaged the Pensacola Bay Bridge, forcing closure of the bridge for a number of months.

Prior Proceedings

Skanska filed proceedings in United States District Court for the Northern District of Florida, Pensacola Division, for each of the barges that had broken away, including the four barges that had struck the Pensacola Bay Bridge. In those proceedings, Skanska sought exoneration from or limitation of its liability under the Limitation of Liability Act, 46 U.S.C. § 30523 (the “Limitation Act Proceedings”). As is common in Limitation Act Proceedings, the district court entered an injunction against filing suit in any other forum.

In the Limitation Act Proceedings, Claimants included those alleging that one or more of the barges had struck and damaged their property (“the Property Damage Claims”), businesses alleging they had suffered economic losses as a result of the closure of the Pensacola Bay Bridge, and commuters alleging they had suffered additional expenses (“the Economic Loss Claims”). Claimants and Skanska filed motions to dismiss the Limitation Act Proceedings in the federal case. Claimants sought to dismiss the Limitation Act Proceedings, arguing that the court lacked subject matter jurisdiction. Skanska moved to dismiss the Economic Loss Claims based on the rule set forth in *Robins Dry Dock* and cases following that decision, which bar claims for economic loss arising out of property damage, unless the party making the claim has a proprietary interest in the damaged property. Since none of the Economic Loss Claimants had alleged a proprietary interest in the Pensacola Bay Bridge, Skanska asserted that these claims should be dismissed. The district court deferred ruling on Skanska’s motion to dismiss.

The district court held a bifurcated trial on the issues of whether Skanska’s hurricane preparation constituted negligent acts, and whether such acts were undertaken without knowledge and privity such that Skanska could limit its damages to the value of the vessels. The trial ended

with Skanska renewing its motion to dismiss, and the district court taking the *Robins Dry Dock* issue under advisement.

In its Order and Final Judgment, entered on December 29, 2021, the Court found that Skanska had been “negligent” and had privity and knowledge with respect to the barge breakaway, dismissed the Limitation Act Proceedings, and dissolved the injunction against proceeding in other forums. The Order and Final Judgment did not reference *Robins Dry Dock*, did not rule on Skanska’s prior motion to dismiss, and did not address the question of whether Skanska owed a duty to the Economic Loss Claimants. In finding that Skanska had not exercised reasonable care, the district court applied principles of general maritime law, including the “Louisiana Rule” whereby a moving vessel that breaks free from its mooring and allides with a fixed object is presumed to be at fault. The district court cited no Florida jurisprudence in reaching its decision.

Skanska appealed the judgment to the United States Court of Appeals for the Eleventh Circuit. On August 2, 2023, the Eleventh Circuit affirmed the decision of the district court and remitted the question of whether Skanska owed a duty to the Economic Loss Claimants to this Court. *Skanska USA Civil Se. Inc. v. Bagelheads, Inc.*, No. 21-13850, 2023 WL 4917108 (11th Cir. Aug. 2, 2023).

Issues

The instant Motion to Dismiss applies to only to Economic Loss Claimants. Claims for economic loss are based on “pecuniary damage” or “disappointed economic expectations” that do not involve physical injury or property damage. *See* Restatement (Third) of Torts: Liab. for Econ. Harm § 2 (2020); *Tiara Condo. Ass’n, Inc. v. Marsh & McLennan Companies, Inc.*, 110 So. 3d 399, 401 (Fla. 2013). It is undisputed that Plaintiffs had no proprietary interest in the Pensacola Bay Bridge at the time their claims arose. Defendants argue that claims for negligence, intentional misconduct, gross negligence, private nuisance, and private claims for public nuisance are barred

of the States with each other or with foreign states.” *The Lottawanna*, 88 U.S. 558, 574-55 (1874). “[S]tate law may supplement maritime law when maritime law is silent or where a local matter is at issue, but state law may not be applied where it would conflict with maritime law.” *Floyd v. Lykes Bros. S.S. Co., Inc.*, 844 F.2d 1044, 1047 (3d Cir. 1988). State law conflicts with maritime law when it “contravenes the essential purpose expressed by an act of Congress, or works material prejudice to the characteristic features of the general maritime law, or interferes with the proper harmony and uniformity of that law in its international and interstate relations.” *S. Pac. Co. v. Jensen*, 244 U.S. 205, 216 (1917).

The Saving to Suitors Clause reserves “all other remedies” to which a complainant in admiralty is “otherwise entitled.” See 28 U.S.C. § 1333(a). Nevertheless, state common law cannot supplant maritime law in a case where maritime jurisdiction applies.

The distinction between rights and remedies is fundamental. A right is a well founded or acknowledged claim; a remedy is the means employed to enforce a right or redress an injury. . . . Plainly, we think, under the saving clause a right sanctioned by the maritime law may be enforced through any appropriate remedy recognized at common law; but we find nothing therein which reveals an intention to give the complaining party an election to determine whether the defendant’s liability shall be measured by common-law standards rather than those of the maritime law. Under the circumstances here presented, without regard to the court where he might ask relief, petitioner’s rights were those recognized by the law of the sea.

Chelentis v. Luckenbach S.S. Co., 247 U.S. 372, 384 (1918). While the Saving to Suitors Clause allows state courts to hear *in personam* maritime cases, state law remedies for maritime injuries are limited by the so-called “reverse-Erie” doctrine, which requires substantive remedies provided by state law to adhere to federal maritime standards. See *Offshore Logistics, Inc. v. Tallentire*, 477 U.S. 207, 222–23 (1986). This principle applies just as much to rights asserted by litigants who are defending against claims under maritime law as it does to rights asserted by those who are prosecuting claims. See *Garrett v. Moore-McCormack Co.*, 317 U.S. 239, 245 (1942) (“If by its

practice the state court were permitted substantially to alter the rights of either litigant, as those rights were established in federal law, the remedy afforded by the state would not enforce, but would actually deny, federal rights which Congress, by providing alternative remedies, intended to make not less, but more secure.”); *see also Robins Dry Dock & Repair Co. v. Dahl*, 266 U.S. 449, 457 (1925). When maritime jurisdiction applies and a state common law rule is mutually exclusive to a right or rule recognized under federal maritime law, it is the maritime law rule that applies. *See Pope & Talbot v. Hawn*, 346 U.S. 406, 408–09 (1953); *Kermarec v. Compagnie Generale Transatlantique*, 358 U.S. 625, 630–32 (1959); *Gibbs ex rel. Gibbs v. Carnival Cruise Lines*, 314 F.3d 125, 128–29 (3d Cir. 2002). Therefore, if maritime jurisdiction applies and maritime law bars a claim, Florida law may not be applied to circumvent such bar. *See Frango v. Royal Caribbean Cruises, Ltd.*, 891 So. 2d 1208, 1210 (Fla. 3d DCA 2005).

Robins Dry Dock & Repair Co. v. Flint

The instant Motion to Dismiss is dispositive of Plaintiffs’ economic loss claims. Under the *Robins Dry Dock* rule, a maritime tort to a person or a person’s property generally does not make a tortfeasor liable to a third party merely because, unknown to the tortfeasor, the injured person was under a contract with such third party. *See* 275 U.S. at 308–09. *Robins Dry Dock* does not bar an action for intentional interference with a contract. *See id.* (citing *Angle v. Chicago, St. P., M. & O. Ry. Co.*, 151 U.S. 1 (1894)). The *Robins Dry Dock* rule has been broadened by federal appellate courts to require physical damage to a proprietary interest for the recovery of economic losses due to an unintentional maritime tort. *See State of La. ex rel. Guste v. M/V TESTBANK*, 752 F.2d 1019, 1021 (5th Cir. 1985) (*en banc*), *cert. denied*, 477 U.S. 903 (1986). This rule is vastly different than Florida’s rule for torts involving purely economic losses, which bars such claims only in product liability cases. *See Tiara Condo. Ass’n*, 110 So. 3d at 407.

State courts are generally not bound to follow the decisions of intermediate federal courts. *See Carnival Corp. v. Carlisle*, 953 So. 2d 461, 465 (Fla. 2007). However, when a state court presides over a case where maritime *in personam* jurisdiction applies, a state court may not alter substantive maritime law in a manner that “interferes with the proper harmony and uniformity of that law in its international and interstate relations.” *Id.* (quoting *American Dredging Co. v. Miller*, 510 U.S. 443, 447 (1994)). Therefore, this Court must follow the broadened version of the *Robins Dry Dock* rule if failing to do so would interfere with the proper harmony and uniformity of maritime law in its international and interstate relations. *See id.* at 470-71.

This Court’s broad survey of federal legal authority leads it to conclude that the interpretation of the *Robins Dry Dock* rule provided in *M/V TESTBANK*, 752 F.2d 1019, has been generally adopted by federal courts and is a uniform federal maritime law. Notably, it is similar to the economic loss rule for unintentional torts that is provided in the Third Restatement of Torts, which says: “Except as provided elsewhere in this Restatement, a claimant cannot recover for economic loss caused by: (a) unintentional injury to another person; or (b) unintentional injury to property in which the claimant has no proprietary interest.” Restatement (Third) of Torts: Liab. for Econ. Harm § 7 (2020). The Court relied upon the below federal authority and all other cases cited in this order in reaching its conclusion.

- *Barber Lines A/S v. M/V DONAU MARU*, 764 F.2d 50 (1st Cir.1985)
- *Ballard Shipping Co. v. Beach Shellfish*, 32 F.3d 623 (1st Cir. 1994)
- *Am. Petrol. & Transp., Inc. v. City of New York*, 737 F.3d 185 (2d Cir. 2013)
- *Getty Refin. & Mktg. Co. v. MT FADI B*, 766 F.2d 829 (3d Cir. 1985)
- *Rederi A/B Soya v. Evergreen Marine Corp.*, 1972 A.M.C. 1555 (E.D. Va. 1971), *aff’d*, 1973 A.M.C. 538 (4th Cir. 1972)
- *Venore Transp. Co. v. M/V Struma*, 583 F.2d 708 (4th Cir. 1978)
- *Yarmouth Sea Products Ltd. v. Scully*, 131 F.3d 389 (4th Cir. 1997)
- *IMTTGretna v. Robert E. Lee SS*, 993 F.2d 1193 (5th Cir. 1993)
- *Taira Lynn Marine Ltd. No. 5, LLC v. Jays Seafood, Inc.*, 444 F.3d 371 (5th Cir. 2006)
- *In re Bertucci Contracting, LLC*, 712 F.3d 245 (5th Cir. 2013)
- *Matter of Bethlehem Steel Corp.*, 631 F.2d 441 (6th Cir. 1980)

- *Petition of Cleveland Tankers, Inc.*, 791 F. Supp. 669 (E.D. Mich. 1992)
- *Green Turtle Bay, Inc. v. Zsido*, 5:08-CV-00004-R, 2010 WL 797852 (W.D. Ky. Mar. 3, 2010)
- *City of Joliet v. S. Towing Co.*, 387 F. Supp. 2d 911, 914 (N.D. Ill. 2005)
- *Cahokia Marine Serv., Inc. v. Am. Barge & Towing Co.*, 635 F. Supp. 830 (E.D. Mo. 1986), *aff'd sub nom. Cahokia Marine v. Am. Barge*, 815 F.2d 711 (8th Cir. 1987)
- *In re Am. Milling Co.*, 270 F. Supp. 2d 1112 (E.D. Mo. 2003)
- *Matter of Williamson Leasing Co., Inc.*, 577 F. Supp. 890 (E.D. Mo. 1984)
- *Channel Star Excursions, Inc. v. S. Pac. Transp. Co.*, 77 F.3d 1135 (9th Cir. 1996)
- *Nautilus Marine, Inc. v. Niemela*, 170 F.3d 1195 (9th Cir. 1999)
- *E. Shore Marine, Inc. v. Platt*, CA 08-0023-CG-C, 2008 WL 11425654 (S.D. Ala. Sept. 22, 2008)
- *Kingston Shipping Co., Inc. v. Roberts*, 667 F.2d 34 (11th Cir. 1982)
- *Hercules Carriers, Inc. v. State of Fla.*, 720 F.2d 1201 (11th Cir. 1983), *on reh'g*, 728 F.2d 1359 (11th Cir. 1984)

This Court is not alone in concluding that the broad *Robins Dry Dock* rule attributed to *M/V TESTBANK*, 752 F.2d 1019, is a uniformly accepted rule in federal maritime law. While the United States Supreme Court has never explicitly adopted the broad version, the most current version of *Admiralty & Maritime Law*, a treatise frequently cited by admiralty courts, indicates the broad interpretation of *Robins Dry Dock* is the law while acknowledging special exceptions exist, such as in cases that involve oil spills and fishermen. *See* 2 Thomas J. Schoenbaum, *Admiralty & Maritime Law* § 14:8 (6th ed. 2018). In *Canadian National Railway v. Norsk Pacific Steamship Co.*, 1992 A.M.C. 1910 (Can. S.C.C.), the Canadian Supreme Court conducted an exhaustive comparative review of the maritime economic loss rule and, while it rejected this approach, acknowledged that pure economic loss is generally not compensable without damage to a proprietary interest under the maritime laws of both the United States and the United Kingdom.

The instant case is not the first time a state court has dealt with claims for economic losses due to a bridge closure caused by an unintentional maritime tort. In *Harp v. Pine Bluff Sand & Gravel Co.*, residents and business owners who used a state-owned bridge that was damaged by a barge sued the barge owner and the State of Louisiana for economic losses caused by closure of

the bridge for repairs. *See* 750 So. 2d 226, 227-28 (La. Ct. App. 1999). The Louisiana Third Circuit Court of Appeals held that *Robins Dry Dock* and principles of uniformity in maritime law barred recovery under Louisiana state law. *See id.* at 229-30. Notably, cases involving claims for economic losses due to bridge closures resulting from unintentional maritime torts consistently result in denial of relief for claimants under *Robins Dry Dock*. *See Bertucci*, 712 F.3d 245; *Southern Towing*, 387 F. Supp. 2d 911; *Williamson Leasing*, 577 F. Supp. 890; *Pine Bluff*, 750 So. 2d 226.

Based upon the foregoing authority, the Court holds that Plaintiffs' unintentional tort claims are barred by federal maritime law. The Court does not need to reach the issue of whether *Robins Dry Dock* applies to intentional torts because Plaintiffs have not stated any cause of action for an intentional tort.

Plaintiffs' nuisance claims are not pled as intentional torts. "An invasion of another's interest in the use and enjoyment of land or an interference with the public right, is intentional if the actor (a) acts for the purpose of causing it, or (b) knows that it is resulting or is substantially certain to result from his conduct." Restatement (Second) of Torts § 825 (1979). Plaintiffs' "Private Claim[s] for Public Nuisance" were pled as being due to Defendants' "negligence." Plaintiffs' claims for "Private Nuisance" were pled as being due to Defendants' "unreasonable, negligent, and reckless" conduct. Torts caused by negligence or even recklessness are not intentional torts. *See Vision Air Flight Serv., Inc. v. M/V Nat'l Pride*, 155 F.3d 1165, 1176 n.13 (9th Cir. 1998). Plaintiffs' nuisance claims are facially alleged as unintentional torts and are therefore barred by *Robins Dry Dock* just as Plaintiffs' negligence claims are.

Plaintiffs' intentional misconduct claims are not pled as intentional torts. Plaintiffs pled that Defendants "had actual knowledge of the high probability that injury or damage to Plaintiff[s] would result from its wrongful conduct," "exhibited a reckless, conscious disregard for the

wellbeing of [Plaintiffs' businesses],” had “knowledge of the wrongfulness of [their] conduct and high probability of injury or damage to businesses in the region,” and “intentionally pursued a course of action to forego [their] Plan and instead advance production, which resulted in the Pensacola Bay Bridge’s closure and resulting damage to public and private property throughout Pensacola Bay, and economic damage to [Plaintiffs’ businesses].” Plaintiffs do not plead that Defendants desired or purposely acted to cause Plaintiffs’ businesses to be economically damaged, nor do they plead that Defendants believed or even should have believed such economic damages to Plaintiffs were substantially certain to result from their actions. *See Spivey v. Battaglia*, 258 So. 2d 815, 817 (Fla. 1972) (“Where a reasonable man would believe that a particular result was [s]ubstantially certain to follow, he will be held in the eyes of the law as though he had intended it.”) (citing Restatement (Second) of Torts, § 8A (1965)).

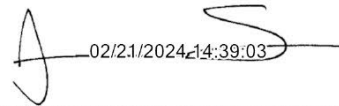
The intentional misconduct claims in Plaintiffs’ Complaint(s) also discuss spoliation of evidence. First-party spoliation claims are claims “in which the defendant who allegedly lost, misplaced, or destroyed the evidence was also a tortfeasor in causing the plaintiff’s injuries or damages.” *Shamrock-Shamrock, Inc. v. Remark*, 271 So. 3d 1200, 1203 n.1 (Fla. 5th DCA 2019) (quoting *Martino v. Wal-Mart Stores, Inc.*, 908 So. 2d 342, 346 n.2 (Fla. 2005)). Under Florida law, “[a]n independent cause of action does not exist for first-party spoliation of evidence.” *See id.* (citing *Martino*, 908 So. 2d at 347)). Likewise, federal law does not permit an independent cause of action arising out of an alleged spoliation of evidence. *See Aspen Am. Ins. Co. v. Interstate Warehousing, Inc.*, 372 F. Supp. 3d 709, 724–25 (N.D. Ind. 2019).

Based upon the foregoing findings, it is hereby,

ORDERED AND ADJUDGED:

1. Plaintiffs' claims for negligence and gross negligence are dismissed with prejudice.
2. Plaintiffs' claims for intentional misconduct, private nuisance, and public nuisance are dismissed without prejudice. If Plaintiffs can do so with legal sufficiency and good faith, they have leave to amend these claims to state intentional torts within twenty (20) days of the date of this Order.

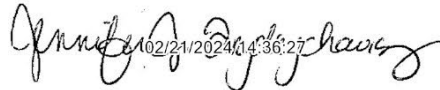
DONE AND ORDERED in Chambers at Pensacola, Escambia County, Florida.



02/21/2024 14:39:03

signed by CIRCUIT COURT JUDGE JAN SHACKELFORD 02/21/2024 02:39:03 xGEJdWv9

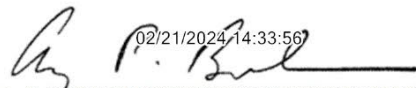
HON. JAN SHACKELFORD
CIRCUIT JUDGE



02/21/2024 14:36:27

signed by CIRCUIT COURT JUDGE JENNIFER J. FRYDRYCHOWICZ 02/21/2024 02:36:27 ITEYdVL

HON. JENNIFER J. FRYDRYCHOWICZ
CIRCUIT JUDGE



02/21/2024 14:33:56

signed by CIRCUIT COURT JUDGE AMY P. BRODERSEN 02/21/2024 02:33:56 S07VPkxh

HON. AMY P. BRODERSEN
CIRCUIT JUDGE

JS/JJF/APB/ejr

Conformed Copies to:

All Counsel of Record

M A N D A T E

from

FIRST DISTRICT COURT OF APPEAL

STATE OF FLORIDA

This case having been brought to the Court, and after due consideration the Court having issued its opinion;

YOU ARE HEREBY COMMANDED that further proceedings, if required, be had in accordance with the opinion of this Court, and with the rules of procedure, and laws of the State of Florida.

WITNESS the Honorable Chief Judge Timothy D. Osterhaus, Chief Judge, of the District Court of Appeal of Florida, First District, and the seal of said Court at Tallahassee, Florida, on this day.

August 19, 2026

1898, LLC, et al.,

Appellant(s)

v.

Skanska USA Civil Southeast, Inc., and Skanska USA Civil, Inc.,
Appellee(s).

DCA Case 1D2025-0246

L.T. No.: 2023 CA 002360, 2023 CA 11000

GL

Mandate and opinion to follow to: Escambia Clerk

cc: (without opinion):

Brian Hugh Barr

Jeremy C Branning

Mihaela Cabulea

Escambia Clerk

Stephen Herre Echsner

Ephraim Samuel Geisler

Case 1D2025-0246

Page < 2 >

Thomas Frederic Gonzalez
Brenton Jeremy Goodman
Debra Nicole Guntner
Dylan Bailey Howard
Emanuella J Paulos
Scott Alexander Remington
Timothy Shane Rowe
Andrew McKinnon Spencer
Trevor Anthony Thompson
Kenneth Howard Tribuch
Harold K Watson
Joseph Anthony Zarzaur

~~1D2025-0246 August 19, 2026~~
Kristina Samuels, Clerk
1D2025-0246 August 19, 2026



APPENDIX E

LIST OF APPLICANTS AND APPENDIX TO CORPORATE DISCLOSURE STATEMENT

The following is a complete list of the applicants on whose behalf this application is made and for whom an extension of time is sought. Each was a plaintiff below whose case was disposed of by the Final Judgment in *In re Skanska Hurricane Sally Cases*, No. 2023-CA-11000 (Fla. Cir. Ct. Dec. 5, 2024), and an appellant in No. 1D2025-0246. Applicants are listed as named in Exhibit 1 to that judgment, the agreed list of economic-loss cases it resolved.

Part A — Applicants that are individuals, individuals doing business under a trade name, trusts, or governmental entities (105)

1. AUSERMAN, CATHERINE
2. AUSTIN, TINISHA M
3. BAGGETT, THERESA
4. BALOGH, TORI
5. BLOCKER, JOHNNIE
6. BLOOM, BRENDA MCGUIRE
7. BORDEN, RENEE
8. BRAY, LORETTA
9. BREWTON, GEORGE W III
10. BROOKS, GWEN L
11. BROWN, ALEXIS
12. BROWN, DELARIUS

13. CARLSON, ROBERT
14. CHRISTOFFERSON, VIVIAN
15. COLEMAN, DARRELL
16. COOKE, SAMANTHA
17. COX, EMILY
18. CRABTREE, ALLEN
19. CROMWELL, JESSICA
20. CUNNINGHAM, FELICIA
21. DIANE LANEY CLEVELAND, ET AL.
22. DOLAK, CHERYLE
23. DUNFORD, DEAN J
24. DUTTON, THOMAS
25. ELLIS, EVERETT B
26. ESQUEDA, MARQUITA
27. FEAGIN, JACKIE YVONNE
28. FINCHER, SAMANTHA J
29. FRALEY, ESTELLE
30. GAUT, REBECCA
31. GREEN, CHRISTOPHER R
32. GRUBER, JARROD T
33. GRUBER, SHELSEA
34. HANNER, RYAN JAMES

35. HENDERSON, VERNIDETTE A
36. HEROUX, ROGER
37. HINSON, MARCUS
38. HOELSCHER, SHARALEE
39. HOLLIMAN, SANDRA
40. HOUSE, CASEY J
41. HUNT, JEFFORY and HUNT, ELLEN Individually and d/b/a
HEADHUNTER HAIR STYLING
42. JENNINGS, TINA
43. JOHNSON, CHERI
44. JOLLY, MIKE
45. JONES, BRIANNA
46. JONES, DANA N
47. KAPLE, JOSEPH KURT
48. KASENCHAK, SHELLEY
49. KELLEY, CRYSTAL A
50. KELSON, JOSHUA
51. KOOPMAN, BRIAN W
52. KUHN, CHRISTOPHER D/B/A COASTAL VIBES MASSAGE THERAPY
53. KUHN, LARRY
54. LEDERER, ERICA
55. LEE, CAMBRE GAYLE

56. LINTON, JAMES
57. LITVAK, KRAMER
58. LOPEZ, ADRIANNA S
59. LOVELACE, MELANIE
60. LUTTRELL, DAVID
61. MACARTHY, JAKE VERNON
62. MAGAZZENI, MICHAEL
63. MAHER, DANIEL
64. MALTBI, TWILAH
65. MARTIN, BENJAMIN, MARTIN, ALEXIS
66. MCARROY, RYAN A
67. MCMENAMIN, FRANK J
68. MEDINA, EMILY
69. MELTON, KYLE
70. MENDOZA, LOREI
71. MILLS, KERRI
72. MITCHELL, DANIEL
73. MITCHELL, JEFFREY
74. MORGAN, KATHRYN
75. MORRIS, DOUGLAS
76. MUHAMMAD, KEVIN H
77. NIMMO, MARK

78. PALLIN, TODD
79. PARRISH, MALINDA
80. PEREZ, GEORGE
81. PLOTT, JOHN in his capacity as Sole Proprietor of PENSACOLA
BALLROOM ACADEMY
82. RAY, PAIGE
83. REGISTER, ASHLYNN
84. REICHWAGE, BRETT
85. RICHARDSON, KENNETH
86. RICHMOND, TERRY
87. ROEMER, NATHASHA L
88. RUSSELL, CHRISTOPHER
89. SAUNDERS, JEFFREY W
90. SAYRE, DR. R. BLAKE M.D.
91. SCANLON, KATHERIN D
92. SMITH, KELLEY
93. SMITH, KYRA
94. SMITH, TIFFANY
95. SPIRES, KATRINA
96. STREET, GEORGIA
97. TEMPLE, ROBERT
98. TIMS, RONDA

99. WALLER, MARION L
100. WEIDNER, BRYAN
101. WEIL, CRAIG
102. WHITE, AMELIO
103. WILLIAMS, ANTONIO
104. WILSON, HERBERT
105. WOLVERTON, ELYSA DAWN ROSE

Part B — Applicants that are corporations, professional associations, nonprofit corporations, or limited liability companies (369)

1. 1898 LLC
2. 2 OF A KIND CLEANING
3. 5 SISTERS BLUES CAFE LLC
4. 500 THE LABEL LLC
5. 9TH AVE. SEAFOOD STATION, LLC
6. A ONTIME AIRPORT CONNECTION
7. A TOUCH OF CLASS FLOWERS & GIFTS, INC.
8. A&H TOWING SERVICES, INC.
9. ACCENT FOOT FASHONS LLC
10. ACE HARDWARE OF GULF BREEZE, INC.
11. ADAM CHAUVIN'S PROFESSIONAL PAINTING, LLC
12. AFC TJ SUSHI, INC.
13. AHMED, SONYA MD LLC

14. AIR DESIGN SYSTEMS, INC.
15. AJROBINSON, LLC D/B/A BIKES PLUS
16. ALCANIZ, ATELIER
17. ALL ABOUT PAVERS & REMODELING, INC.
18. ALOHA SCREEN PRINTING, INC
19. ALPERZ LLC
20. ALUMA DESIGNS, LLC
21. AMERICAN PAINTING PLUS, LLC
22. AMERICAS TOP REALTY INC
23. AMY WATSON LMT
24. ANGELENA'S LLC
25. ANGELINI TILE COMPANY, INC.
26. ANTHONY HARPERS RELIABLE HANDYMAN SERVICES LLC
27. ARAGON WINE MARKET, LLC
28. ARCADIA ICR GROUP LLC
29. ARCADIA ICR LLC
30. ARMOUR TITLE COMPANY LLC
31. ARRIBA SALON, INC
32. AZALEA COCKTAIL LOUNGE OF PENSACOLA, INC.
33. B&B OF PENSACOLA LLC
34. BAGELHEADS, INC.
35. BANKERS APPRAISAL GROUP LLC

36. BAPTIST HEALTH CARE, INC., D/B/A BAPTIST HOSPITAL, BAPTIST HEALTH CARE INC., D/B/A GULF BREEZE HOSPITAL, AND BAPTIST MEDICAL GROUP, LLC
37. BAY BREEZE AQUATICS & DIVE CENTER LLC
38. BEACH BUM PARTNERSHIP
39. BEACH BUM RENTAL LLC
40. BEACH TO BAY, LLC
41. BEAUTY BY LO
42. BELLAGIO DAY SPA LLC
43. BENEVOLENT AND PROTECTIVE ORDER OF ELKS PENSACOLA BEACH LODGE #497
44. BENSON'S BARBER SHOP, LLC
45. BIG MIKE'S FIBERGLASS, INC.
46. BLOWOUT BAR OF PENSACOLA, LLC, THE
47. BONTRAGER BUILDERS GROUP INC
48. BOSS LADY CONCRETE, LLC
49. BRAZILIAN FETISH LLC
50. BREEZE SOUTH FINANCIAL GROUP LLC
51. BRIAN KING COOLING LLC
52. BRIDGE GULF BREEZE, LLC, THE D/B/A THE BRIDGE BAR AND SUNSET LOUNGE
53. BROWN DOG PEDICAB, LLC

54. BUILDERS PERSPECTIVE PUBLIC ADJUSTING LLC
55. CAC DEVELOPMENT LLC
56. CALYPSO! AN ISLAND GRILL, LLC D/B/A CRABS ON THE BEACH
57. CARROLL RENTALS LLC
58. CARTER CAB SERVICES
59. CARTER INVESTMENTS OF NORTHWEST FLORIDA INC
60. CENTENNIAL IMPORTS INC.
61. CHILD NEUROLOGY CENTER OF NORTHWEST FLORIDA, P.A.
62. CHIP'S 24 HOUR FITNESS CENTER INC.
63. CHISEL, LLC
64. CHRIS PEARCY, LLC
65. CHRISTY'S CLEANING SERVICE, INC.
66. CJ HANDYMAN INC.
67. COASTAL DESIGN MANUFACTURING, INC.
68. COLEMAN ORTHOPAEDICS, LLC
69. COMEBACK RESTORATION, LLC
70. CONSULTING HIDDEN SPRINGS, LLC
71. COVENANT HEALTH AND COMMUNITY SERVICES, INC.
72. CRIS JAGER LLC
73. D-LUX PRINTING, INC.
74. DARIOS BAKE SHOP

75. DEBORAH D. VIGLIONE, MD, LLC D/B/A LIVING WATERS
REGENERATIVE MEDICAL CENTER
76. DELUNA DEVELOPMENT LLC
77. DEMARIA LAND SERVICES LLC
78. DEORUM, INC.
79. DOCK AT PENSACOLA, INC, THE
80. DOG HOUSE DELI I INC
81. DOG HOUSE DELI II INC
82. DR. SMOOTHIE, LLC D/B/A CAFE BISTRO
83. DREAMCATCHER SHUTTLE SERVICE, INC.
84. E ENTERPRISES LLC D/B/A SUPPOSEY
85. E.L. DIRT, LLC
86. EAST BAY PLUMBING AND HEATING, LLC
87. EAST HILL MUSIC LC
88. ECOGARDENS LANDSCAPING, INC.
89. ELEBASH JEWELRY COMPANY
90. ELITE HARDWOOD FLOORING SPECIALIST LLC
91. ELITE NAILS, LLC
92. ELIZABETH ISLAND, LLC
93. EMERALD COAST APPLIANCE REPAIRS, INC.
94. EMERALD COAST CREDIT SERVICE, LLC D/B/A KLEEN CREDIT
95. EMERALD COAST SRC, LLC D/B/A EMERALD COAST MEDIA

96. EMERALD COAST TOURS, INC
97. EMERALD COAST UTILITY AUTHORITY
98. EMERALD LYNXX LLC
99. EMERALD REPUBLIC BREWING COMPANY LLC
100. ENVIROLANDCO
101. EVERMAN NATURAL FOODS CO-OP, INC.
102. EZ60PEN, INC. D/B/A ESCAPE ZONE 60
103. FANCY YANCEY CONEYS ON THE ISLAND
104. FIELDS DISCOUNT ROOFING & CONSTRUCTION LLC
105. FIORE OF PENSACOLA
106. FIREMANS CUT LAWN SERVICE INC
107. FIRST CITY BEAUTY LLC
108. FISH FRENZY CHARTERS
109. FLORIDAZE SAILING
110. FLOW CONTROL PLUMBING, LLC
111. FLOWERS BY YOKO
112. FOREFRONT DERMATOLOGY SC CORP.
113. FRED FLOUNDER, INC. D/B/A FLOUNDER'S
114. FREEMAN ROOFING LLC
115. FUDAIL CLEANING SERVICES, LLC
116. FUJI STEAKHOUSE & SUSHI BAR, INC.
117. FUSION FINE WINE & SPIRITS V, INC.

118. G&G PRO REMODELING, LLC
119. GAIL WALSH MASSAGE AND SKIN CARE COMPANY
120. GB HOTEL III, LLC
121. GB PREMIER FITNESS, INC.
122. GBRE, INC D/B/A LILLO'S TUSCAN GRILLE
123. GENT'S FORMAL WEAR, LLC
124. GIBSON GIRL, LLC
125. GIBSON, D.M.D., P.A., PHILIP L. D/B/A GIBSON, ZIEMAN & HEALTH
FAMILY DENTISTRY
126. GITFIT INC.
127. GLOBAL OF PENSACOLA INC DBA GLOBAL GRILL TAPAS BAR
128. GNC PROPERTIES LLC D/B/A 1500 VIA DELUNA
129. GOD WINS HAIR DESIGNS LLC
130. GOLD COAST EVENT SERVICES
131. GOLLY ENTERPRISES LLC
132. GOOD VIBRATIONS PENSACOLA BEACH LLC
133. GRANGER DEVELOPMENT & BROKERAGE SERVICES, INC.
134. GRAYES GRANITE, INC
135. GREAT SOUTHERN RESTAURANT GROUP OF PENSACOLA, INC
136. GREEN WITH ENVY INC
137. GSDZ, LLC D/B/A ISLAND CULTURE SNEAKY TIKI BAR
138. GUARDING FRESH CLEANING SERVICE

139. GULF ATLANTIC INSULATION, INC.
140. GULF BEACH & KINGSPORT, LLC
141. GULF BEACH CONSTRUCTION, INC.
142. GULF BREEZE BAIT & TACKLE, INC
143. GULF BREEZE GOURMET EAST, LLC
144. GULF BREEZE GYMNASTICS LLC
145. GULF BREEZE MONTESSORI LLC
146. GULF BREEZE NEWS, INC, THE
147. GULF BREEZE PADDLE, LLC
148. GULF BREEZE SUBWAY, INC. D/B/A SUBWAY #6157
149. GULF COAST BREW GROUP LLC
150. GULF COAST BREWERY LLC
151. GULF COAST MUSIC AND ARTS, INC
152. GULF COAST TENNIS GROUP, LLC
153. GULF COAST VETERINARY CARDIOLOGY INC.
154. GULF LIFE MANAGEMENT LLC
155. GULF SMOKED SEAFOOD INC.
156. GUNTHER PROPERTIES LLC
157. HACKEL, JOSH M.D., P.A.,
158. HAIR BY LC, INC.
159. HALSTEAD ENTERPRISES, INC. D/B/A JERRY'S DRIVE-IN
160. HANUMANN CORP D/B/A VALERO GAS STATION

- 161. HAPPY CLEANING SERVICES
- 162. HEAD HIGH INC. DBA THE ISLANDER
- 163. HIGH VOLTAGE ELECTRIC, LLC
- 164. HIGHPOINTE DBR, LLC
- 165. HO2 MANAGEMENT, LLC
- 166. HOLEYCAKES, LLC D/B/A NOTHING BUNDT CAKES
- 167. HOME C2, LLC
- 168. HUB STACEY'S INC.
- 169. IDEAL WEIGHT LOSS OF NW FLORIDA INC
- 170. INDIGEAUX DENIM BAR AND BOUTIQUE LLC
- 171. INNISFREE HOLDINGS LLC, INNISFREE HOTELS INC., SURF AND
SAND DEVELOPMENT LLC, H&S DEVELOPMENT LLC, FULFORD
HARBOUR LLC, SUNRISE HOSPITALITY OF PENSACOLA BEACH LLC
- 172. IPERFORMANCE CENTER LLC
- 173. JACKSON'S OF PENSACOLA LLC
- 174. JACOBS ENTERPRISES, LLC D/B/A JACOBS CHIROPRACTIC &
WELLNESS CENTER
- 175. JAMIE L BROOKS LLC
- 176. JEANNIE JERNIGAN PILATES, LLC
- 177. JENNIFER MABIRE HOUSECLEANING
- 178. JEWELERS TRADE SHOP, INC.
- 179. JLO INC

180. JOHN IMM PROSTHETICS LLC
181. JOHN KRAUSE PRIVATE INVESTIGATOR
182. JOLLY SAILING, LLC
183. JORDAN VALLEY CAFÉ OF PENSACOLA, INC.
184. JORDON CONSTRUCTION INC
185. KEY SAILING, INC
186. KILCH HANDYMAN
187. KMETZ AND COMPANY, LLC
188. KOOL BREEZE KARTS
189. KOOL KARTS INC.
190. KRONLAGE, STEVEN C. M.D., P.A.
191. KUHN REALTY, LLC
192. LABE RESTAURANT GROUP, LLC
193. LAFITTE COVE MARINA LLC
194. LAMAR TEXAS LIMITED PARTNERSHIP
195. LANDRYS SEAFOOD HOUSE FLORIDA INC
196. LARRY GRUBBS LLC D/B/A SUNCOAST COMMERCIAL SERVICES
197. LAT30 DESIGNER SURFACES, LLC
198. LAUREN NICOLE OF NORTHWEST FLORIDA LLC DBA DE NOVO
199. LAZY DAYS BEACH RENTALS 2, LLC
200. LEELEE'S BLOOMS, INC.
201. LEVIN AND RINKE RESORT REALTY, INC.

- 202. LIFE CHANGE CUTZ, INC
- 203. LIFEVIEW GROUP INC. F/K/A LCI II INC., GLOBAL CONNECTIONS TO
EMPLOYMENT INC., LAKEVIEW CENTER INC.
- 204. LIGHTHOUSE PRIVATE CHRISTIAN ACDEMY INC.
- 205. LNK REAL ESTATE INVESTMENTS LLC
- 206. LOFTY HEIGHTS CONSTRUCTION LLC
- 207. LONG TERM CARE OF GULF BREEZE LLC D/B/A WATERMARK OF
GULF BREEZE
- 208. MACS OUTDOOR SERVICES LLC
- 209. MAINTENANCE PLUS LLC
- 210. MARIA'S FRESH SEAFOOD MARKET LLC
- 211. MARKS FURNITURE COMPANY INC
- 212. MARV BEACK HAULING LLC
- 213. MARY M. DEAVER LLC DBA PARKWAY ANIMAL HOSPITAL
- 214. MCCOMBS ELECTRICAL CO., INC.
- 215. MCGUIRE'S IRISH PUB, INC.
- 216. MEND INTEGRATIVE WELLNESS LLC
- 217. MERRILL LAND CONSTRUCTION, LLC
- 218. MICHAEL LITVAK, D.D.S., P.A.
- 219. MICHAEL P. CONRAD, M.D., PA
- 220. MICHAEL S BURTT PA
- 221. MICHAUD BUILDERS INC.

- 222. MICHELE'S LADIES APPAREL
- 223. MIKE DUNCAN, LLC
- 224. MORTON WOODWORKERS LLC
- 225. MOTLEY HOLDINGS GROUP LLC
- 226. MR SHINE INC
- 227. NAIL ENVY DAVIS LLC
- 228. NAILS BY BRIDGET
- 229. NAPLES AUTO COLLECTION LLC D/B/A PENSACOLA AUTO
COLLECTION
- 230. NASSE CORPORATION D/B/A AUTO BROKERS OF GULF BREEZE
- 231. NATIVE CAFE, LLC D/B/A NATIVE CAFE
- 232. NILSEN ORTHOPEDICS, P.A.
- 233. NOM SUSHI IZAKAYA, LLC
- 234. NORTH HILL CHAIR COVERS & LINENS, LLC
- 235. NORTHWEST FLORIDA CLINICAL RESEARCH GROUP, LLC
- 236. NYN INC. D/B/A BADLANDS
- 237. O'GRADY ORTHOPAEDICS, PLLC
- 238. OCEANLIFE CHRISTIAN COUNSELING LLC
- 239. OLDE EAST HILL GRILL LLC
- 240. OLDE ENGLISH CREAMERY, LLC, THE D/B/A THE OLDE ENGLISH
CREAMERY
- 241. OP STRONG LLC D/B/A OSTEOSTRONG GULF BREEZE

- 242. ORIGINAL TAXI, LLC
- 243. OSTRANDER, ROGER V. MD PA
- 244. OUR SUMMER HOUSE D/B/A THE BLUE CRAB HOUSE
- 245. OUTER SPACES LLC
- 246. OUTTA THA BLUE SEAFOOD
- 247. OVERTON & SON PAINTING INC
- 248. P.L.E. #1, INC. D/B/A PRECISION TUNE AUTO CARE
- 249. PADDY OLEARYS IRISH PUB INC
- 250. PAINT HOUSE, LLC
- 251. PAPA NALU GRILL LLC
- 252. PARADISE ENTERPRISES OF FLORIDA INCORPORATED
- 253. PAT OSTERMAN RELIABLE CONSTRUCTION, INC
- 254. PATRIOT APPLIANCE, LLC
- 255. PEAK TRANSPORTATION CORP.
- 256. PEGLEG PETE'S INC
- 257. PENSACOLA BEACH HOLDINGS INC.
- 258. PENSACOLA BEACH PROPERTIES INC
- 259. PENSACOLA CHILDRENS CHORUS, INC.
- 260. PENSACOLA LITTLE THEATER INC
- 261. PENSACOLA MOBILE SCREENS
- 262. PENSACOLA MOTOR SALES, INC.
- 263. PENSACOLA PARTY BUS, LLC

- 264. PENSACOLA TAXI COMPANY, LLC
- 265. PENSACOLA YACHT SALES, LLC
- 266. PENSACON OF PENSACOLA LLC
- 267. PETERSON PRECISION PAINTING, INC.
- 268. PIAS INC.
- 269. PIORKOWSKI, JAMES R. MD LLC
- 270. PLAY PENSACOLA, INC.
- 271. POLINA'S FLOWERS
- 272. PORTOFINO HOLDINGS, LLC
- 273. PORTOFINO MASTER HOMEOWNERS ASSOCIATION, INC.
- 274. PORTOFINO PROPERTY INC.
- 275. PORTOFINO T-3 1809 LLC
- 276. POZZUOCI, INC D/B/A FRANCO'S
- 277. PRESTON MOYE LLC
- 278. PROM QUEEN II, LLC D/B/A THE GRAND MARLIN
- 279. PROPER NUTRITION, LLC
- 280. PUCKETT OIL COMPANY, INC
- 281. PURE PILATES, LLC
- 282. QUALITY ALARM SYSTEMS INC.
- 283. R&L PRODUCTS, INC.
- 284. R&M LOCAL KITCHEN LLC D/B/A FIN & FORK
- 285. RENFROE PECAN CO.

- 286. RICHARD GOLDENS HORSE RIDES OF PENSACOLA
- 287. RIDGEBACK RENOVATIONS, LLC
- 288. RKR BEVERAGE, INC D/B/A ALOHA WINE AND LIQUOR
- 289. ROBERT J. MONZINGO, INC.
- 290. RON JON PENSACOLA BEACH, LLC
- 291. RON WILLIAMSON AND ASSOCIATES INC.
- 292. ROUCHON INC
- 293. ROWES MOVING LOGISTICS, LLC
- 294. ROYAL YARD SERVICES, LLC
- 295. S&J FLOWERS INC DBA FLOWERAMA
- 296. SACKHEIM DENTAL, P.L.L.C.
- 297. SADEN CHIROPRACTIC LLC
- 298. SAL'S T-SHIRT COMPANY
- 299. SALTY AIR AERIAL ARTS STUDIO, LLC
- 300. SANDPIPER GULF AIRE INN, INC D/B/A PARADISE BAR & GRILL
- 301. SCOUT, INC.
- 302. SEAS THE DAY
- 303. SEITHER & ASSOCIATES APPRAISAL GROUP, INC
- 304. SHAN KISHI JAPANESE HIBACHI, LLC
- 305. SHOWS CONSTRUCTION INC
- 306. SHRIMP BASKET RESTAURANTS LLC
- 307. SIDELINES SPORTS BAR AND RESTAURANT INC.

- 308. SITE AND UTILITY, LLC
- 309. SMOOTH OPERATORS OF NORTHWEST FLORIDA INC. D/B/A
TROPICAL SMOOTHIE
- 310. SOFT TISSUE THERAPIES, INC
- 311. SOLIMANO ENTERPRISES INC.
- 312. SOUTHEASTERN CONSTRUCTION, INC.
- 313. SOUTHEASTERN SASH & DOOR, INC.
- 314. SOUTHERN BOHEMIAN HOUSE, LLC
- 315. SPIRIT GATE MEDICINE INC.
- 316. SPRAGUE CONSTRUCTION COMPANY OF PENSACOLA
- 317. STARVISION OPTOMETRY PLLC
- 318. SUN SHOTS LLC
- 319. SUNNY DAYS FAMILY ART STUDIO LLC
- 320. SUNSET JAX, LLC D/B/A CASINO BEACH BAR AND GRILLE
- 321. SUPREME COLD ICE CREAM, LLC D/B/A MARBLE SLAB CREAMERY
- 322. SUZANNE HAZELIP CLEANING SERVICE
- 323. TACO ROCK GB PROPER, LLC D/B/A TACO ROCK
- 324. THAI 54 CORPORATION
- 325. THE BAG LADY ENTERPRISES INC
- 326. THE BOARDWALK CAFÉ LLC
- 327. THE CHAIRMEN LLC DBA CAIN'S DOG HOUSE
- 328. THE HANGRY HANDLER LLC

- 329. THE HISTORIC MAHOGANY MILL KILN TOWNHOME RENTAL
- 330. THE INDEPENDENT DENT COMPANY
- 331. THE MARKET
- 332. THE NAMELESS FREIGHT CO. LLC DBA NAMELESS FREIGHT
OUTLET
- 333. THOMAS CRAIG SANTIAGO LLC
- 334. THOMAS WALKER ELECTRIC COMPANY INC.
- 335. TICKET SPORTS BAR 3, INC
- 336. TIP N TOE NAILS & SPA, LLC
- 337. TOMMY'S BAHAMA
- 338. TOWNES + ARCHITECTS, PA
- 339. TOWNS INC
- 340. TRAVIS TALLEY LLC
- 341. TRC LANDSCAPING, LLC
- 342. TRIP 7'S, LLC D/B/A 200 SOUTH
- 343. TRIPOSSIBILITIES LLC
- 344. TWO CLEAN BEACHES LLC
- 345. TWO DELUNA LLC D/B/A CAFÉ NOLA
- 346. TYBEE'S PROFESSIONAL CLEANING SERVICE
- 347. UPTOWN HOMES
- 348. UPTOWN MARKET INC
- 349. URMOS CHIROPRACTIC HEALTH CENTER, PA

- 350. US LIMOUSINE SERVICE, INC. D/B/A BAY LIMOUSINE
- 351. US MANAGEMENT INVESTMENTS, INC
- 352. VENUS INDUSTRIES, LLC
- 353. VET VET, LLC D/B/A COASTAL SUNRISE ANIMAL HOSPITAL
- 354. VITALITY ACUPUNCTURE LLC
- 355. VR ADVENTURE ZONE INC
- 356. VS FISHER INC D/B/A AQUA POOL & PATIO
- 357. VS FISHER INC. D/B/A AQUA DECOR & DESIGN
- 358. W.G. & SONS, INC. D/B/A INTERMISSION
- 359. WALES PAINTING, INC
- 360. WARDSTER, INC
- 361. WATERBOYZ-WBZ, INC.
- 362. WESTWOOD AND SONS CONSTRUCTION LLC
- 363. WILLOWS INC D/B/A THE MOLE HOLE
- 364. WORLDWIDE SEAFOOD, LLC
- 365. WSRUSTOMPURA, LP D/B/A BAY BEACH HOTEL, LLC
- 366. WSRUSTOMPURA, LP D/B/A GB HOTEL INVESTMENTS, LP
- 367. X CLEAN SERVICES, LLC
- 368. YOUNG MENS CHRISTIAN ASSOCIATION OF PENSACOLA, INC.
- 369. YOUR LOCAL CONSTRUCTION CO., LLC.



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Hurricane Isaias Public Advisory Update

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WTNT64 KNHC 100208 CCB

TCUAT4

Hurricane Isaias Tropical Cyclone Update...Corrected

NWS National Hurricane Center Miami FL AL092026

900 PM CDT Fri Oct 09 2026

Corrected the initial intensity to 100 mph

...LIFE-THREATENING STORM SURGE IMPACTING THE GULF COAST AS
DANGEROUS HURRICANE CONDITIONS AND FLASH FLOODING SPREAD INLAND...
...900 PM CDT POSITION UPDATE...

NWS Doppler Radar data and surface observations indicate that
Hurricane Isaias now has maximum sustained winds of 100 mph (160
km/h) and an estimated minimum central pressure of 978 mb (28.88
inches).

A NOAA National Ocean Service station in Panama City Beach, Florida,

recently reported a wind gust to 83 mph (134 km/h) and a sustained wind of 72 mph (116 km/h).

This will be the final hourly position update for Isaias. The next full forecast advisory for Isaias will be issued at 1000 PM CDT (0300 UTC).

SUMMARY OF 900 PM CDT...0200 UTC...INFORMATION

LOCATION...30.5N 86.4W

ABOUT 50 MI...80 KM E OF PENSACOLA FLORIDA

ABOUT 50 MI...80 KM WNW OF PANAMA CITY FLORIDA

MAXIMUM SUSTAINED WINDS...100 MPH...160 KM/H

PRESENT MOVEMENT...N OR 10 DEGREES AT 19 MPH...31 KM/H

MINIMUM CENTRAL PRESSURE...978 MB...28.88 INCHES

\$\$

Forecaster Mahoney/Camposano/Reinhart/Cangialosi

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HURRICANE

Isaias wasn't your average hurricane as rare phenomenon hit west of eye

An unusual phenomenon for a tropical cyclone is likely what caused most of the damage on what is typically the less tumultuous side of the storm.



Kimberly Miller

USA TODAY NETWORK - Florida

Updated Oct. 12, 2026, 3:25 p.m. ET

Key Points

A sting jet, more common in non-tropical storms, pulls high-velocity winds down to the surface, causing intense gusts.

Meteorologists noted other unusual effects, including sudden temperature drops and rises, highlighting how much is still unknown about hurricane dynamics.

Isaias did things hurricanes don't, hurling a ruin in the wrong place that snapped pines like pencils and pried sides and ceilings from homes that were opposite of the so-called dirty side of the hurricane.

Climatological tradition says areas east of the Oct. 9 Destin landfall should be redden the worst from winds, but an unusual atmospheric anomaly for a tropical system pushed the height of tumult to the west.

The phenomenon, called a sting jet because of its comma or scorpion tail appearance on radar imagery, is more typical in non-tropical winter storms.

Meteorologists debated on Monday, Oct. 12 if what happened was a true sting jet or if there were other less exotic reasons for the wind gusts on the western side of Isaias.

But sting jets can happen in a hurricane as it begins a transition to non-tropical and ingests dry air into the back of its counter-clockwise swirl that erodes and evaporates moisture in the storm.

Evaporation makes the air cooler and denser, forcing it to fall to the surface while sucking the higher velocity hurricane winds from a couple miles up with it.

Wind gusts of 117 mph were measured near Oriole Beach east of Pensacola Beach, 116 mph at Santa Rosa Sound, 105 mph in Navarre and 102 mph at Pensacola City Hall.

“It’s something we didn’t even know about until the 1980s,” said MyRadar Weather senior meteorologist Mathew Cappucci, who alerted to the possibility of a sting jet occurring several days ahead of Isaias’s Category 2 landfall. “Weather models struggle to simulate them a couple days out and it’s still a rare thing.”

Cappucci said it happened in 2024’s Hurricane Milton as it came ashore as a Category 3 on Oct. 9 near Siesta Key on the west coast, ripping the fabric roof off Tropicana Field Stadium. Sarasota Bradenton International Airport measured a wind gust to 103 mph during Milton. Albert Whitted Airport near downtown St. Petersburg recorded a 101-mph gust.

Hurricane Isaias timeline: Evolution of the rare 'sting jet'

At 5:36 p.m. Central Time ahead of Isaias’s landfall, Cappucci said he sent a push alert from the MyRadar app telling people in Pensacola to prepare for a sting jet that would cause wind gusts to between 80 and 100 mph.

He said there wasn’t much rain associated with the sting jet gusts and he didn’t want people to think there was less of a threat.

“The other reason was people prepare for onshore winds. Pensacola was going to get severe offshore winds,” Cappucci said.

The gust at Pensacola City Hall was measured at 6:29 p.m. Cappucci said there was a 118-mph gust in Jay, Florida which is about 3 miles south of the Alabama border.

The National Weather Service issued a rare extreme wind warning for the western Panhandle, including Pensacola, at 5:45 p.m. Central time. The warning is meant to trigger a tornado-like response for people to seek shelter in an interior room.

“It was fierce,” said Christian Wagley, who lives near downtown Pensacola about Isaias. “I was very, very surprised at what happened.”

Wagley said once Isaias shifted east closer to its ultimate Destin landfall, he thought he’d be on the weaker side of the system, which is usually the case. Instead, they had triple-digit gusts.

Most of the damage he’s seen is from downed trees, and at midday Monday, Oct. 12, he was still without power.

“We love our trees, but if there had been no trees, there really would not be an issue,” Wagley said. “The storm moved so fast, that the bad stuff didn’t last that long.”

Some meteorologists said Monday they weren’t prepared to attribute the damage to a pure sting jet, and that other atmospheric machinations may have been going on with the storm that could have contributed to the high gusts.

Greg Postal, a storm expert with The Weather Channel, said it's not uncommon for a storm like Isaias that is being influenced by the jet stream and increasingly sheared to have stronger winds in a more western region of the hurricane.

"Whether or not there were similar elements to a sting jet in this case, we don't know yet and I think it's too early to know for sure because it will require a lot of detailed 3D analysis and the peer review process will sort it out," Postal said. "There were some remarkably interesting features associated with Isaias. It had very strong winds just off the ground overlying much weaker winds at the surface."

A more traditional thunderstorm downdraft, where rain cooled air rushes down from the base of the storm, may also be a reason for the strong wind gusts, Postal noted. Thunderstorm activity was heavier on the western side of Isaias, he said.

Andy Hazelton, a scientist at the University of Miami's Cooperative Institute for Marine and Atmospheric Studies, said whether it was an actual sting jet will likely be explored in future research.

'Wildest things I have experienced': Isaias was colder than normal storm

But he believes that the process and result was similar with sinking air pulling stronger winds to the surface.

Another unusual feature of Isaias was that many people on social media reported temperatures falling as if the icy cloud tops themselves fell to Earth.

Mark Sudduth, a veteran storm tracker with Fox Weather, commented that Isaias was the "coldest by far" of the hurricanes he's followed.

AccuWeather hurricane expert Alex DaSilva said the cooler air makes sense to the west of the storm if there is something similar to a sting jet happening with evaporative cooling pulling down cold air aloft. DaSilva added his voice to those more wary about whether a sting jet occurred. He noted there appeared to be an inverted trough at play that could explain some of the intense wind gusts in the western part of the storm.

"There were sting jet features, but I don't know if it was officially a sting jet," DaSilva said.

At the same time as some people were reporting a cool down in Isaias, Weather Channel meteorologist Jim Cantore, posted an image that showed a nearly 10-degree warmup during a 91-mph wind gust at Choctaw Beach northeast of where Isaias made landfall.

“This was one of the wildest things I ever experienced on tropical coverage,” Cantore wrote on X.

“In situations like this you have a lot of really weird atmospheric effects going on that we really don’t know a lot about yet,” Cappucci said. “As a field, we are still at the early stages of understanding what there is to know about the core of a hurricane.”

Kimberly Miller is a journalist for the USA TODAY NETWORK FLORIDA. She covers weather, the environment and critters as the Embracing Florida reporter. If you have news tips, please send them to kmiller@pbpost.com. You can get all of Florida’s best content directly in your inbox each weekday by signing up for the free newsletter, Florida TODAY, at palmbeachpost.com/newsletters.