

SUPREME COURT OF ALASKA

Loncar v. Gray

28 P.3d 928 (Alaska 2001) · No. S-9390 · Decided August 17, 2001

SUMMARY

The Supreme Court of Alaska reviewed evidentiary rulings and the denial of a new trial in a personal injury action arising from a traffic accident. The court upheld the admission of testimony concerning the plaintiff's pre-accident medical history, the exclusion of Medicare and Medicaid evidence, limits on divorce-settlement evidence, and the admission of medical records under the business-records exception. The court affirmed the judgment, concluding that the trial court had not abused its discretion.

CASE DETAILS

COURT	Supreme Court of Alaska
WRITING FOR THE COURT	Fabe, Chief Justice; Matthews, Justice; Eastaugh, Justice; Bryner, Justice; Carpeneti, Justice
JURISDICTION	Alaska
DECIDED	August 17, 2001
DOCKET	S-9390
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a personal-injury negligence trial in which the defendant admitted liability but disputed the damages attributable to the accident. The plaintiff challenged several evidentiary rulings and the denial of her motion for a new trial.
STANDARD OF REVIEW	Questions of law are reviewed de novo. Evidentiary decisions are reviewed for abuse of discretion, and reversal requires an error that had a substantial influence on the outcome or that is inconsistent with substantial justice under Alaska Civil Rule 61. Denial of a motion for a new trial is reviewed for abuse of discretion; the denial must be affirmed if there is an evidentiary basis for the verdict, but reversed if the supporting evidence is completely lacking or so slight and unconvincing that the verdict is plainly unreasonable and unjust.
PRECEDENTIAL VALUE	Published Alaska Supreme Court opinion; precedential.
PARTIES	Kala Loncar, Steve Loncar, Ana Loncar v. Kenneth Elwood Gray

TOPICS

evidence

appellate procedure

standard of review

personal injury

damages

PRACTICE AREAS

Evidence

Personal injury

Tort law

Appellate procedure

Damages

QUESTIONS PRESENTED

1. Whether the superior court abused its discretion by admitting the plaintiff's ex-husband's lay testimony regarding her pre-accident medical history after the plaintiff opened the door to that subject.
2. Whether the superior court abused its discretion by excluding evidence of the plaintiff's Medicare and Medicaid benefits under the collateral-source rule and Evidence Rule 403.
3. Whether the superior court improperly restricted cross-examination concerning the plaintiff's divorce settlement and her ex-husband's alleged bias.
4. Whether post-accident medical records were inadmissible without foundational testimony from every physician whose records or opinions were included.
5. Whether the superior court abused its discretion by denying the plaintiff's motion for a new trial based on the allegedly inadequate and unsupported jury award.

HOLDINGS

1. A party opens the door to evidence on a subject by putting that subject at issue; because Loncar placed her prior medical history at issue through her questioning of an expert and a lay witness, the superior court acted within its discretion in admitting her ex-husband's lay testimony about her condition before the accident.
2. The superior court did not abuse its discretion by excluding evidence of Loncar's Medicare and Medicaid benefits because the evidence's probative value was outweighed by the danger of confusion, misleading the jury, and unfair prejudice, and the collateral-source rule generally excludes evidence of other compensation.
3. The superior court did not improperly restrict Loncar's cross-examination because it permitted extensive questioning about the ex-husband's alleged bias, anger, and motives, limiting only inquiry into the precise financial terms of the divorce settlement.
4. Medical records relied on by testifying physicians, including records of physicians who did not testify, may fall within the business-records exception to the hearsay rule, and admission of those records does not require the plaintiff to have an opportunity to cross-examine every physician whose records were included.
5. The superior court did not abuse its discretion in denying a new trial because the jury had an evidentiary basis to question both causation and the extent of Loncar's injuries, and the verdict was not plainly unreasonable or unjust.

KEY QUOTATIONS

“To prevail on her appeal of the trial court's evidentiary decisions, Loncar must show that those decisions were erroneous and had a substantial influence on the outcome of the case.” (at 930-931)

“If there is an evidentiary basis for the jury's decision, the denial of a new trial must be affirmed.” (at 931)

“Because Loncar did put her medical history at issue in this case, the superior court was within its discretion in allowing Gray to present Mr. Loncar's testimony about the subject.” (at 932)

“Under Evidence Rule 403, exclusion is appropriate if the evidence's "probative value is outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury."” (at 933)

“The collateral source rule "exclud[es] evidence of other compensation on the theory that such evidence would affect the jury's judgment unfavorably to the plaintiff on the issues of liability and damages.”” (at 934)

“Because Loncar has not demonstrated that the trial court abused its discretion in any evidentiary decisions or in denying her a new trial, we AFFIRM the decision below.” (at 935)

FACTUAL BACKGROUND

Kala Loncar, a taxi driver, was injured in a 1995 traffic accident and later reported symptoms associated with a closed-head injury, including headaches, dizziness, vomiting, nausea, and mental disorientation. Gray admitted liability but disputed the extent and causation of Loncar's damages, presenting evidence that similar symptoms predated the accident and that Loncar had inaccurately reported losing consciousness. The jury awarded damages for past medical expenses, wage loss, pain and suffering, and loss of enjoyment of life, but awarded no future damages and only half of the medical bills introduced into evidence. The total award was \$29,435.26.

PROCEDURAL HISTORY

Kala Loncar sued Kenneth Gray after a 1995 traffic accident. Gray admitted liability, and the jury awarded Loncar \$29,435.26 in damages but no future damages or children's loss-of-parental-consortium damages. The superior court denied Loncar's motion for a new trial, and Loncar appealed. The Alaska Supreme Court affirmed the superior court's evidentiary rulings and denial of a new trial.

DISPOSITION

affirmed

CASES CITED

- Walsh v. Emerick, 611 P.2d 28, 30 (Alaska 1980)
- Williams v. Utility Equip., Inc., 837 P.2d 1112, 1115-16 (Alaska 1992)
- Myers v. Robertson, 891 P.2d 199, 208 (Alaska 1995)
- Loof v. Sanders, 686 P.2d 1205, 1209 (Alaska 1984)
- Buoy v. ERA Helicopters, Inc., 771 P.2d 439, 445 (Alaska 1989)
- Hayes v. Xerox Corp., 718 P.2d 929, 933 (Alaska 1986)
- Scavenius v. City of Anchorage, 539 P.2d 1161, 1166 (Alaska 1975)

- Worthy v. State, 999 P.2d 771, 773-75 (Alaska 2000)
- Landers v. Municipality of Anchorage, 915 P.2d 614, 616 n.1 (Alaska 1996)
- Dobos v. Ingersoll, 9 P.3d 1020, 1023, 1027-28 (Alaska 2000)
- Tolan v. ERA Helicopters, 699 P.2d 1265, 1267 (Alaska 1985)
- Richey v. Oen, 824 P.2d 1371, 1372-76 (Alaska 1992)
- Walker v. Alaska Road Comm'n, 388 P.2d 406, 407 (Alaska 1964)
- Urban v. Zeigler, 261 Ill. App. 3d 1099, 199 Ill. Dec. 883, 634 N.E.2d 1237, 1242-43 (1994), rev'd, Snover v. McGraw, 172 Ill. 2d 438, 217 Ill. Dec. 734, 667 N.E.2d 1310, 1314-15 (1996)