

APPELLATE COURT OF ILLINOIS, FIFTH DISTRICT

Anderson v. Zamir

No. 5-08-0542 · No. No. 5-08-0542 · Decided June 22, 2010

SUMMARY

The Illinois Appellate Court, Fifth District, held that the jury's \$12,500 damages award in a motor vehicle accident case bore no reasonable relationship to the plaintiff's established injuries and medical expenses. Because the only medical testimony supported a causal connection between the accident and the plaintiff's shoulder injury, the court concluded that the trial court abused its discretion in denying a new trial. The judgment was reversed, and the cause was remanded for a new trial on damages.

CASE DETAILS

COURT	Appellate Court of Illinois, Fifth District
WRITING FOR THE COURT	Melissa A. Chapman; Stephen L. Spomer; Bruce D. Stewart
JURISDICTION	Illinois
DECIDED	June 22, 2010
DOCKET	No. 5-08-0542
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Plaintiff appealed the denial of her motion for a new trial following a jury verdict awarding her \$12,500 in damages in a personal-injury action arising from a motor-vehicle accident. Liability was admitted, and the appeal concerned the adequacy of the damages award.
STANDARD OF REVIEW	A ruling on a motion for a new trial is reviewed for abuse of discretion. The appellate court considers whether the verdict was supported by the evidence and whether the complaining party received a fair trial.
PRECEDENTIAL VALUE	Published Illinois Appellate Court opinion; the text states that publication was granted after the Rule 23 order.
PARTIES	Tiffany Anderson v. Saeed Zamir, Saadia Zamir

TOPICS

- damages
- personal injury
- standard of review
- appellate procedure
- evidence

PRACTICE AREAS

personal injury

tort damages

appellate review

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by denying Anderson's motion for a new trial when the jury's damages award bore no reasonable relationship to the injuries and medical expenses established by the evidence.
2. Whether the jury could disregard the uncontradicted medical testimony linking Anderson's shoulder injury and related medical bills to the motor-vehicle accident.

HOLDINGS

1. The trial court abused its discretion by upholding a damages award that bore no reasonable relationship to the injuries established at trial; the denial of a new trial was therefore reversible error.
2. The jury could not arbitrarily disregard the unimpeached, uncontradicted medical testimony establishing that Anderson's shoulder injury resulted from the accident and that the related treatment and bills were necessary and reasonable.

KEY QUOTATIONS

"The virus argument is far from supported by the evidence and amounts to sheer speculation." (7)

"We find that the jury's verdict simply bears no reasonable relationship to the injuries established by Tiffany at the trial, and accordingly, the damages award must be reversed." (8)

FACTUAL BACKGROUND

Tiffany Anderson was rear-ended by Saadia Zamir on September 22, 2005, causing cervical symptoms and later-discovered left-shoulder pain. Medical treatment included physical therapy, diagnostic imaging, and December 2006 surgery to repair a torn labrum. Anderson's two medical experts testified without contradiction that the shoulder injury and related medical bills were caused by the accident. Despite medical bills totaling \$28,804, the jury awarded only \$5,000 for medical expenses and \$7,500 for pain and suffering.

PROCEDURAL HISTORY

Anderson sued the Zamirs for injuries sustained in a September 22, 2005, motor-vehicle accident. The Zamirs admitted liability, and the case was tried solely on damages. The jury awarded \$12,500, including only \$5,000 for medical bills, and the circuit court denied Anderson's motion for a new trial on September 19, 2008. The appellate court reversed and remanded for a new trial on damages.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The judgment of the Circuit Court of Jackson County was reversed, and the cause was remanded for a new trial on the issue of damages.

CASES CITED

- Maple v. Gustafson, 151 Ill. 2d 445, 455, 603 N.E.2d 508, 513 (1992)
- Lee v. Chicago Transit Authority, 152 Ill. 2d 432, 470, 605 N.E.2d 493, 509-10 (1992)
- Zuder v. Gibson, 288 Ill. App. 3d 329, 334, 680 N.E.2d 483, 487 (1997)
- Epping v. Commonwealth Edison Co., 315 Ill. App. 3d 1069, 1072, 734 N.E.2d 916, 918 (2000)
- Richardson v. Chapman, 175 Ill. 2d 98, 114, 676 N.E.2d 621, 628 (1997)
- Gill v. Foster, 157 Ill. 2d 304, 315, 626 N.E.2d 190, 195 (1993)
- Baker v. Hutson, 333 Ill. App. 3d 486, 493, 775 N.E.2d 631, 637 (2002)
- Larson v. Glos, 235 Ill. 584, 587, 85 N.E. 926, 927 (1908)
- People ex rel. Brown v. Baker, 88 Ill. 2d 81, 85, 430 N.E.2d 1126, 1127 (1981)

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