

SUPREME COURT OF ALABAMA

Akins Funeral Home, Inc. v. Miller

878 So. 2d 267 (Ala. 2003) · No. 1020198, 1020224 · Decided September 26, 2003

SUMMARY

The Alabama Supreme Court reviewed consolidated appeals arising from the mistaken cremation of Matthew Miller's body by funeral homes. The court considered the admissibility of expert testimony concerning post-traumatic stress disorder, the excessiveness of compensatory damages, and the excessiveness of punitive damages. It affirmed the judgments for Andrea Megan Miller and Teresa Miller against Akins Funeral Home, Inc.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Hugh Maddox, Retired Justice; Houston; See; Lyons; Brown; Johnstone; Harwood; Woodall; Stuart
JURISDICTION	Alabama
DECIDED	September 26, 2003
DOCKET	1020198, 1020224
DISPOSITION	affirmed
PROCEDURAL POSTURE	Akins appealed consolidated jury verdicts awarding compensatory and punitive damages to Andrea Megan Miller and Teresa Miller on claims arising from the mistaken identification and cremation of Matthew Miller's body.
STANDARD OF REVIEW	Expert-testimony admissibility is reviewed for abuse of discretion. Compensatory damages for mental anguish are reviewed for clear abuse or passionate exercise of the jury's discretion. Punitive-damages awards are reviewed de novo for excessiveness.
PRECEDENTIAL VALUE	Published Alabama Supreme Court opinion; precedential
PARTIES	Akins Funeral Home, Inc. v. Andrea Megan Miller, Teresa Miller

TOPICS

- expert testimony
- punitive damages
- compensatory damages
- standard of review
- appellate procedure

PRACTICE AREAS

evidence torts damages appellate procedure contracts

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by allowing Judy Davidson, who was not a physician, psychiatrist, psychologist, or licensed counselor, to testify as an expert concerning the plaintiffs' psychological trauma and post-traumatic stress disorder.
2. Whether the compensatory-damages awards of \$450,000 to Andrea Megan Miller and \$200,000 to Teresa Miller were excessive.
3. Whether the punitive-damages awards of \$150,000 to each plaintiff were excessive.

HOLDINGS

1. The trial court did not abuse its discretion by permitting Davidson to testify as an expert regarding the plaintiffs' grief-related trauma and post-traumatic stress disorder.
2. The compensatory-damages awards were not excessive, and the trial court properly declined to reduce them.
3. The punitive-damages awards of \$150,000 to each plaintiff were not excessive.

KEY QUOTATIONS

“On the basis of the foregoing law, we hold that Dr. Hutchins's education, licensure, and practice as a chiropractor, and his examination and treatment of his patient in his capacity as a chiropractor, qualified him as competent to testify to the cause of the particular injuries he treated.” (276)

“Applying the standard of review applicable in this case and considering the facts and Davidson's testimony, this Court cannot say that the trial court exceeded the limits of its discretion in allowing Davidson to testify as an expert.” (277)

“Here, the Millers were not compensated for two months of mental distress over money wasted on worthless insurance, as was the case in Foster v. Life Insurance Co. of Georgia; they were compensated for a lifetime of distress and anguish resulting from not being allowed to view the body of a son and husband and the wrongful cremation of that body as a result of that refusal.” (278)

FACTUAL BACKGROUND

Matthew Miller was killed in an automobile accident, and his body was mistakenly identified as the body of another accident victim. Akins Funeral Home retrieved and embalmed the wrong body, while Matthew's body was cremated by another funeral home. When the casket was opened at the funeral, the Miller family discovered the mistake; the evidence indicated that Teresa Miller had previously been denied an opportunity to view the body until funeral expenses were partially paid. The plaintiffs presented evidence of severe and lasting emotional and religious distress, including post-traumatic symptoms, nightmares, flashbacks, and suicide attempts by Teresa.

PROCEDURAL HISTORY

The Millers sued two funeral homes after Matthew Miller's body was mistakenly delivered for cremation and another body was placed in his casket. The claims against Kilgore-Green Funeral Home were dismissed after a pro tanto settlement. The claims against Akins Funeral Home proceeded to a consolidated jury trial, resulting in verdicts for both plaintiffs. The trial court denied Akins's motions for a new trial and to remit the punitive damages, and the Supreme Court of Alabama affirmed.

DISPOSITION

affirmed

CASES CITED

- Tidwell v. Upjohn Co., 626 So. 2d 1297, 1300 (Ala. 1993)
- Bagley v. Mazda Motor Corp., 864 So. 2d 301, 304 (Ala. 2003)
- Ammons v. Massey-Ferguson, Inc., 663 So. 2d 961, 962 (Ala. 1995)
- Townsend v. General Motors Corp., 642 So. 2d 411, 423 (Ala. 1994)
- Nelson v. Elba General Hosp. & Nursing Home, Inc., 828 So. 2d 301 (Ala. Civ. App. 2000), rev'd on other grounds, 828 So. 2d 308 (Ala. 2001)
- Phillips v. Alamed Co., 588 So. 2d 463, 465 (Ala. 1991)
- Kriewitz v. Savoy Heating & Air Conditioning Co., 396 So. 2d 49, 52-53 (Ala. 1981)
- Knapp v. Wilkins, 786 So. 2d 457, 461-63 (Ala. 2000)
- Brown v. Lawrence, 632 So. 2d 462, 464 (Ala. 1994)
- Husby v. South Alabama Nursing Home, Inc., 712 So. 2d 750, 753 (Ala. 1998)
- Kitchens v. State, 31 Ala. App. 239, 241, 14 So. 2d 739, 741 (1943)
- McCann v. Lee, 679 So. 2d 658, 660 (Ala. 1996)
- National Ins. Ass'n v. Sockwell, 829 So. 2d 111, 135 (Ala. 2002)
- Foster v. Life Insurance Co. of Georgia, 656 So. 2d 333 (Ala. 1994)
- Industrial Chemical & Fiberglass Corp. v. Chandler, 547 So. 2d 812, 820 (Ala. 1988)
- W.S. Fowler Rental Equipment Co. v. Skipper, 276 Ala. 593, 603, 165 So. 2d 375 (1963)
- Orkin Exterminating Co. v. Jeter, 832 So. 2d 25, 39, 41 (Ala. 2001)
- Cooper Industries, Inc. v. Leatherman Tool Group, Inc., 532 U.S. 424 (2001)
- BMW of North America, Inc. v. Gore, 517 U.S. 559 (1996)
- Acceptance Insurance Co. v. Brown, 832 So. 2d 1 (Ala. 2001)
- Employees' Benefit Ass'n v. Grissett, 732 So. 2d 968, 978 (Ala. 1998)
- Aetna Life Ins. Co. v. Lavoie, 505 So. 2d 1050, 1062 (Ala. 1987)
- Macon County Comm'n v. Sanders, 555 So. 2d 1054 (Ala. 1990)
- Harrison v. Wientjes, 466 So. 2d 125 (Ala. 1985)

