

SUPREME COURT OF PENNSYLVANIA

Jody R. Davis v. Jeffrey D. Mullen

565 Pa. 386 (2001) (Pa. 2001) · Decided June 19, 2001

SUMMARY

The Supreme Court of Pennsylvania held that a jury's award of medical expenses without damages for pain and suffering is not necessarily inconsistent. The court affirmed the denial of a new trial because the trial court had a reasonable basis to conclude that the jury either did not believe Davis suffered compensable pain or attributed the alleged pain to a preexisting condition or another cause. The court rejected a per se rule requiring an award for pain and suffering whenever medical expenses are awarded.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Newman, Justice; Flaherty, C.J.; Zappala, J.; Cappy, J.; Castille, J.; Nigro, J.; Newman, J.; Saylor, J.
JURISDICTION	Pennsylvania
DECIDED	June 19, 2001
DISPOSITION	reversed
PROCEDURAL POSTURE	Mullen appealed the Superior Court's order reversing the Court of Common Pleas of Beaver County and granting Davis a new trial based on the alleged inadequacy and inconsistency of a jury verdict that awarded medical expenses and property damage but no damages for pain and suffering.
STANDARD OF REVIEW	An appellate court will not set aside an order denying a motion for a new trial unless the trial court abused its discretion. A verdict may be set aside for inadequacy when it results from passion, prejudice, partiality, or corruption, or when uncontradicted evidence shows that the award bears no reasonable relation to the loss suffered.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Jeffrey D. Mullen v. Jody R. Davis

TOPICS

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

PRACTICE AREAS

torts

personal injury

damages

appellate procedure

QUESTIONS PRESENTED

1. Whether a jury verdict awarding medical expenses but no damages for pain and suffering is necessarily inconsistent and requires a new trial.
2. Whether the trial court abused its discretion by denying Davis's motion for a new trial where the evidence provided a reasonable basis for the jury to disbelieve that Davis suffered compensable pain or that the accident caused his alleged injury.

HOLDINGS

1. A jury's award of medical expenses without compensation for pain and suffering is not subject to a per se rule requiring a new trial. The verdict should not be disturbed when the trial court had a reasonable basis to believe either that the jury did not believe the plaintiff suffered pain and suffering or that a preexisting condition or injury was the sole cause of the alleged pain and suffering.
2. The trial court acted within its discretion in denying Davis's motion for a new trial because the evidence reasonably supported the jury's conclusion that Davis did not suffer compensable pain or that his alleged injury was not caused by Mullen's negligence.

KEY QUOTATIONS

"Today, we hold that a jury's award of medical expenses without compensation for pain and suffering should not be disturbed where the trial court had a reasonable basis to believe that: (1) the jury did not believe the plaintiff suffered any pain and suffering, or (2) that a preexisting condition or injury was the sole cause of the alleged pain and suffering." (767)

"Accordingly, we specifically reject the Superior Court's application of a per se rule precluding a jury from awarding medical expenses without damages for pain and suffering." (769)

"Accordingly, we determine that the trial court properly exercised its discretion when it denied Davis' motion for a new trial because there was a reasonable basis for the jury believe: (1) that Davis did not suffer pain and/or (2) that his alleged injury was not caused by the negligence of the defendant." (770)

FACTUAL BACKGROUND

Mullen fell asleep while driving and collided head-on with Davis's tractor-trailer. Davis was examined and discharged from a hospital shortly after the accident, resumed his truck-driving work three days later, and began chiropractic treatment twenty days after the collision. The jury awarded Davis the amount of his medical expenses and personal property damage but no compensation for pain and suffering. The evidence included Davis's prior automobile accidents and his chiropractor's inability to determine with certainty whether Davis's spinal condition resulted from the collision.

PROCEDURAL HISTORY

Davis sued Mullen for damages arising from an automobile-truck collision. Mullen admitted liability but disputed the extent and causation of Davis's injuries. The jury awarded Davis \$4,218.44 for medical expenses and personal property damage but nothing for pain and suffering. The Court of Common Pleas denied Davis's motion for a new trial. The Superior Court reversed and remanded for a new trial, relying on *Dougherty v. McLaughlin*. The Supreme Court of Pennsylvania reversed the Superior Court.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The order of the Superior Court was reversed; the trial court's denial of Davis's motion for a new trial and the jury verdict were left undisturbed.

CASES CITED

- *Catalano v. Bujak*, 537 Pa. 155, 642 A.2d 448 (1994)
- *Boggavarapu v. Ponist*, 518 Pa. 162, 542 A.2d 516 (1988)
- *Todd v. Bercini*, 371 Pa. 605, 92 A.2d 538 (1952)
- *Yacobonis v. Gilvickas*, 376 Pa. 247, 101 A.2d 690 (1954)
- *Henery v. Shadle*, 443 Pa. Super. 331, 661 A.2d 439 (1995)
- *Kiser v. Schulte*, 538 Pa. 219, 648 A.2d 1 (1994)
- *Elza v. Chovan*, 396 Pa. 112, 152 A.2d 238 (1959)
- *Hawley v. Donahoo*, 416 Pa. Super. 469, 611 A.2d 311 (1992)
- *Bochar v. J.B. Martin Motors, Inc.*, 374 Pa. 240, 97 A.2d 813 (1953)
- *Dougherty v. McLaughlin*, 432 Pa. Super. 129, 637 A.2d 1017 (1994)