

SUPREME COURT OF LOUISIANA

Ryan v. Zurich American Ins. Co.

988 So. 2d 214 (La. 2008) · No. 2007-C-2312 · Decided July 1, 2008

SUMMARY

The Louisiana Supreme Court held that a jury's determination of the amount, if any, of damages for lost future earning capacity is a factual finding subject to manifest-error review. Because the jury's zero award was supported by a reasonable factual basis, the court of appeal erred by substituting its judgment and conducting a de novo review. The court reversed the increased award for lost earning capacity and reinstated the jury's zero award, while affirming the judgment in all other respects.

CASE DETAILS

COURT	Supreme Court of Louisiana
WRITING FOR THE COURT	Victory, J.; Calogero, C.J.; Kimball, J.; Johnson, J.
JURISDICTION	Louisiana
DECIDED	July 1, 2008
DOCKET	2007-C-2312
DISPOSITION	other
PROCEDURAL POSTURE	The defendants sought review of the Louisiana Third Circuit's decision increasing the jury's zero award for loss of future earning capacity to \$1,188,298.00.
STANDARD OF REVIEW	A jury's determination of the amount, if any, of lost earning capacity is a finding of fact subject to the manifest error/clearly wrong standard. If the jury clearly erred, the reviewing court may increase the award only to the lowest amount reasonably within the jury's discretion under Coco. De novo review is appropriate only when an earlier finding, such as lack of fault or causation, prevented the fact finder from reaching the damages issue.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Zurich American Insurance Company, et al. v. Marcus Ryan

TOPICS

standard of review

appellate procedure

damages

personal injury

negligence

PRACTICE AREAS

torts

damages

appellate procedure

QUESTIONS PRESENTED

1. Whether the jury's zero award for loss of future earning capacity was a factual determination subject to manifest-error review.
2. Whether the court of appeal properly conducted a de novo review and substituted its own judgment for the jury's determination.
3. Whether the jury's zero award was supported by a reasonable factual basis.

HOLDINGS

1. A jury's determination of the amount, if any, of lost earning capacity is an issue of fact subject to the manifest error standard of review.
2. The jury's zero award was supported by a reasonable factual basis, and the court of appeal erred by substituting its own credibility determinations for those of the jury.

KEY QUOTATIONS

"A jury's determination of the amount, if any, of lost earning capacity is an issue of fact subject to the manifest error standard of review." (223)

"It is only where the fact finder is precluded from considering the amount of damages because of an earlier finding that disposes of the case, such as lack of fault or causation, that the court of appeal should "conduct a de novo determination of the undecided issues from the facts in the record."" (223)

FACTUAL BACKGROUND

Marcus Ryan was injured when an eighteen-wheel truck struck his vehicle from behind on October 15, 2003. Although he underwent treatment for neck, shoulder, and carpal-tunnel injuries, Ryan returned to work as a carpenter and continued in that job for approximately thirteen months before being terminated after failing a drug test. Later medical treatment and a functional-capacity evaluation resulted in restrictions against repetitive shoulder, overhead, and forward-reaching activities, and the parties presented conflicting vocational evidence concerning Ryan's post-injury earning capacity.

PROCEDURAL HISTORY

After a jury trial on damages, the jury awarded Ryan no damages for loss of future earning capacity. The Louisiana Third Circuit upheld several other damage awards, increased the past-wage award, and conducted a de novo review that awarded \$1,188,298.00 for future earning capacity. The Louisiana Supreme Court granted the defendants' writ application, reversed the court of appeal's future-earning-capacity award, and reinstated the jury's zero award while affirming the judgment in all other respects.

DISPOSITION

other

CASES CITED

- LeBlanc v. Stevenson, 770 So. 2d 766 (La. 2000)
- Mart v. Hill, 505 So. 2d 1120 (La. 1987)
- Coco v. Winston Industries, Inc., 341 So. 2d 332 (La. 1976)
- Green v. K-Mart, 874 So. 2d 838 (La. 2004)
- Bonin v. Ferrellgas, 877 So. 2d 89 (La. 2004)
- Folse v. Fakouri, 371 So. 2d 1120 (La. 1979)
- Sportsman Store of Lake Charles, Inc. v. Sonitrol Security Systems of Calcasieu, Inc., 748 So. 2d 417 (La. 1999)
- Lirette v. State Farm Insurance Co., 563 So. 2d 850 (La. 1990)
- Hobgood v. Aucoin, 574 So. 2d 344 (La. 1990)
- Reck v. Stevens, 373 So. 2d 498 (La. 1979)
- Stobart v. State, through Department of Transportation and Development, 617 So. 2d 880 (La. 1993)