

SUPREME COURT OF IDAHO

Cole v. Esquibel, 145 Idaho 652

182 P.3d 709 (2008) · No. No. 33502 · Decided May 7, 2008

SUMMARY

The Idaho Supreme Court reviewed the denial of a motion for a new trial or remittitur challenging a jury award of future medical expenses in an automobile-accident case. The court held that the evidence supported only \$18,745.68 in total economic damages and that the district court abused its discretion by allowing a greater award based on speculation. It directed entry of an amended judgment reducing total damages to \$143,745.68, awarded costs on appeal to the appellant, and denied attorney fees on appeal.

CASE DETAILS

COURT	Supreme Court of Idaho
WRITING FOR THE COURT	Eismann, Chief Justice; Burdick; J. Jones; W. Jones; Horton
JURISDICTION	Idaho
DECIDED	May 7, 2008
DOCKET	No. 33502
DISPOSITION	remanded
PROCEDURAL POSTURE	Defendant appealed the district court's denial of her motion for a new trial and/or remittitur challenging the sufficiency of the evidence supporting the jury's award of future medical expenses.
STANDARD OF REVIEW	Abuse of discretion applies to review of a district court ruling on a motion for a new trial based on sufficiency of the evidence. The Court examines whether the district court correctly perceived the issue as discretionary, acted within the boundaries of its discretion and applicable legal standards, and reached its decision through an exercise of reason.
PRECEDENTIAL VALUE	Published Idaho Supreme Court opinion
PARTIES	Gladys Esquibel v. Kenneth Cole

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QUESTIONS PRESENTED

1. Whether the district court erred in denying Esquibel's motion for a new trial and/or remittitur because the evidence did not support the jury's award of future medical expenses.
2. Whether either party was entitled to attorney fees on appeal under Idaho Code § 12-121.

HOLDINGS

1. An award of future medical expenses must be proven with reasonable certainty and may not rest on speculation or conjecture. The evidence supported economic damages of only \$18,745.68, consisting of Cole's documented past medical expenses and the projected cost of additional x-rays and a CAT scan.
2. The district court abused its discretion by denying the motion for a new trial and/or remittitur because its decision was inconsistent with applicable legal standards and the evidence did not support economic damages exceeding \$18,745.68.
3. Neither party was entitled to attorney fees on appeal under Idaho Code § 12-121 because Cole did not defend the appeal frivolously, unreasonably, or without foundation, and the Court declined to find the statutory standard satisfied.

KEY QUOTATIONS

“The award of economic damages must be based upon proof, not upon speculation or conjecture.” (711)

“For an award of future damages to be sustained, the plaintiff must prove them with reasonable certainty.” (711)

“It is not sufficient simply to infer that the average monthly expenditure for medical care prior to trial would continue for the next twenty years.” (712)

FACTUAL BACKGROUND

Kenneth Cole was injured in a November 14, 2002 automobile accident caused by Gladys Esquibel's negligence. He suffered soft-tissue injuries and a fractured neck, incurred \$16,745.68 in medical expenses before trial, and presented evidence that additional x-rays and a CAT scan would cost at least \$2,000. Although he continued to experience headaches and pain, the evidence did not establish that he would require particular medical treatment, medications, or comparable medical expenses in the future.

PROCEDURAL HISTORY

After an automobile-accident trial, the jury found that Esquibel's negligence solely caused Cole's injuries and awarded \$40,000 in economic damages and \$125,000 in noneconomic damages. The district court denied Esquibel's motion for a new trial and/or remittitur. The Idaho Supreme Court held that the evidence did not support economic damages exceeding \$18,745.68 and directed entry of an amended judgment for total damages of \$143,745.68.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The district court was directed to enter an amended judgment reducing total damages from \$165,000 to \$143,745.68, consisting of \$18,745.68 in economic damages and \$125,000 in noneconomic damages. The existing award of court costs and attorney fees totaling \$18,048.39 was unaffected. Costs on appeal were awarded to Esquibel; attorney fees on appeal were denied.

CASES CITED

- Horner v. Sani-Top, Inc., 143 Idaho 230, 237, 141 P.3d 1099, 1106 (2006)
- Bailey v. Sanford, 139 Idaho 744, 751, 86 P.3d 458, 465 (2004)
- Griff, Inc. v. Curry Bean Co., Inc., 138 Idaho 315, 322, 63 P.3d 441, 448 (2003)
- Reed v. Reed, 137 Idaho 53, 57, 44 P.3d 1108, 1112 (2002)
- Gustaves v. Gustaves, 138 Idaho 64, 57 P.3d 775 (2002)