

COURT OF APPEALS OF UTAH

Gustavo Callaspo Brito v. Dustin James Ballhew

Callaspo-Brito, 2025 UT App 190 (Utah Ct. App. 2025) · No. 20240739-CA · Decided December 26, 2025

SUMMARY

The Utah Court of Appeals held that it had jurisdiction to review a district court judgment entered after arbitration under Utah Code section 31A-22-321. The court concluded that the district court abused its discretion by instructing the jury about an incomplete verdict in a manner that was not neutral and appeared to encourage a particular allocation of fault. The court vacated the verdict and remanded for a new trial.

CASE DETAILS

COURT	Court of Appeals of Utah
WRITING FOR THE COURT	Michele M. Christiansen Forster; David N. Mortensen; Amy J. Oliver
JURISDICTION	Utah Court of Appeals
DECIDED	December 26, 2025
DOCKET	20240739-CA
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Plaintiff appealed from a district-court judgment entered after a jury returned a corrected verdict allocating 70% fault to the plaintiff and resulting in a no-cause verdict. The appeal followed a section 31A-22-321 arbitration and trial de novo.
STANDARD OF REVIEW	The court reviews a trial court's decision to clarify a jury verdict for abuse of discretion, determining whether the trial court exceeded its permitted range of discretion. Appellate jurisdiction is reviewed for correctness.
PRECEDENTIAL VALUE	published
PARTIES	Gustavo Callaspo Brito v. Dustin James Ballhew

TOPICS

appellate jurisdiction

jury instructions

standard of review

personal injury

negligence

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Utah Court of Appeals had jurisdiction to review a district-court judgment entered after a trial de novo following arbitration under Utah Code section 31A-22-321.
2. Whether the district court abused its discretion by instructing the jury to redeliberate on an inconsistent verdict in a manner that was not neutral and impartial.

HOLDINGS

1. A party has a statutory right to appeal a final district-court judgment entered after a section 31A-22-321 arbitration proceeding and trial de novo because section 31A-22-321 does not restrict appeals from the resulting district-court judgment.
2. When a court orders a jury to redeliberate because of an inconsistent, informal, or insufficient verdict, it must explain the reason for redeliberation in a completely neutral and impartial manner. The district court abused its discretion by suggesting that the jury had switched the fault allocations and that this was the only explanation for the incomplete verdict.

KEY QUOTATIONS

“If a “court orders a jury to re-deliberate regarding an inconsistency, the court should explain to the jury the reasons it is being asked to resume deliberations but must do so in a completely neutral and impartial way.””
(¶ 20)

““[T]he court must take pains to remain neutral, and to make sure that nothing in the court’s communications to the jury about the inconsistency could possibly be construed as encouraging the jury to reach a particular result after re-deliberation.”” (¶ 20)

FACTUAL BACKGROUND

Ballhew's vehicle collided with the driver side front of Callaspo's vehicle as Ballhew attempted to turn left and Callaspo proceeded straight through an intersection. At trial, both parties testified and presented expert testimony regarding crash data and causation. The jury initially assigned 70% fault to Ballhew and 30% to Callaspo but left the damages portion of the verdict form blank. After the district court suggested that the jury had switched the fault allocations, the jury redeliberated and assigned 70% fault to Callaspo, producing a no-cause verdict.

PROCEDURAL HISTORY

Callaspo sued Ballhew for injuries arising from a traffic accident. The parties stipulated to arbitration under Utah Code section 31A-22-321, and the arbitrator entered a no-cause judgment against Callaspo. Callaspo requested a trial de novo, after which a jury initially allocated 70% fault to Ballhew and 30% to Callaspo but did not award damages. The district court instructed the jury to redeliberate in a manner the appellate court found nonneutral; the jury then switched the fault allocation, and the district court entered a no-cause verdict.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Vacate the verdict and remand the matter for a new trial.

CASES CITED

- Eggett v. Wasatch Energy Corp., 2001 UT App 226, 29 P.3d 668
- Eggett v. Wasatch Energy Corp., 2004 UT 28, 94 P.3d 193
- Park City Mun. Corp. v. Woodham, 2024 UT 3, 545 P.3d 221
- KTM Health Care Inc. v. SG Nursing Home LLC, 2018 UT App 152, 436 P.3d 151
- Langton v. International Transport, Inc., 491 P.2d 1211 (Utah 1971)