

SUPREME COURT OF OKLAHOMA

Omega Beyrer, Personal Representative of the Estate of Francis Charlene Johnson v. The Mule, LLC

Beyrer v. The Mule, 2021 OK 45 · No. 118075 · Decided September 28, 2021

SUMMARY

The Oklahoma Supreme Court reviewed a premises-liability case involving alleged juror misconduct during voir dire. The court held that a trial court may examine the nature and circumstances of a juror's prior litigation when deciding whether nondisclosure materially affected a party's substantial rights, and affirmed denial of a new trial. The court left undisturbed the reversal of an award of trial costs and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Edmondson, J.; Darby, C.J.; Kauger, J.; Winchester, J.; Combs, J.; Gurich, J.; Kane, V.C.J.; Rowe, J.; Kuehn, J.
JURISDICTION	Oklahoma
DECIDED	September 28, 2021
DOCKET	118075
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Certiorari review of the Oklahoma Court of Civil Appeals' decision reversing the district court's denial of a motion for new trial based on alleged juror misconduct during voir dire and reversing an award of costs.
STANDARD OF REVIEW	An order denying a motion for new trial is reviewed for abuse of discretion. An alleged legal error in adjudicating the motion, including whether the trial court applied the correct legal standard, is reviewed de novo. An error of law alone does not warrant setting aside a jury verdict absent a miscarriage of justice or substantial violation of a statutory right.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of Oklahoma
PARTIES	Omega Beyrer, Personal Representative of the Estate of Francis Charlene Johnson v. The Mule, LLC

TOPICS

motion for new trial

civil procedure

appellate procedure

standard of review

premises liability

PRACTICE AREAS

civil procedure

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QUESTIONS PRESENTED

1. Whether a trial court deciding a motion for new trial based on a juror's failure to disclose prior litigation during voir dire may examine the nature and circumstances of that prior litigation to determine materiality.
2. Whether the juror's failure to disclose that he had been a named defendant in a motor-vehicle case fourteen years earlier materially affected the substantial rights of the plaintiff in a premises-liability action.
3. Whether the Oklahoma Supreme Court should disturb the Court of Civil Appeals' ruling on costs when no party sought certiorari review of that issue.

HOLDINGS

1. When a motion for new trial is based on a juror's silence during voir dire concerning litigation history, the trial court may examine the nature and circumstances of the prior litigation to determine whether the information was material to the action before the court.
2. The juror's failure to disclose his status as a named defendant in a motor-vehicle case did not constitute misconduct affecting materially the plaintiff's substantial rights because the prior case occurred fourteen years earlier when he was a minor, he did not consult a lawyer or participate in the action, the case settled shortly after filing, and he suffered no economic detriment.
3. The Court of Civil Appeals' reversal of the district court's costs award remained undisturbed because no party sought certiorari review of that issue.

KEY QUOTATIONS

“When a trial court adjudicates a motion for new trial based upon a juror's silence during voir dire concerning the juror's litigation history, the trial court may examine the nature of the juror's prior litigation to determine if it is material to the action then before the trial court.” (¶ 56)

“We hold a juror's conduct did not rise to conduct “affecting materially the substantial rights of the party” when the juror failed to state on voir dire in a premises liability controversy his status as a named defendant in a motor vehicle case fourteen years earlier when (1) he was a minor, (2) he did not talk to a lawyer or participate in the prior action in any manner, and (3) the record shows both the prior action was settled shortly after filing and no economic detriment suffered by the juror as a result of the litigation.” (¶ 56)

FACTUAL BACKGROUND

Francis Johnson fell and fractured her hip while visiting a restaurant operated by The Mule, LLC. A jury found Johnson 74% negligent and the restaurant 24% negligent and awarded no damages. After trial, Johnson asserted that the jury foreman had failed to disclose during voir dire that he had been named as a defendant in a 2005 motor-vehicle tort action. The prior action occurred when the juror was a minor, was settled shortly after filing, and involved no participation by or economic detriment to the juror.

PROCEDURAL HISTORY

Francis Johnson brought a premises-liability action against The Mule, LLC after falling at the restaurant. A jury returned a defense verdict, and the district court denied Johnson's motion for new trial based on a juror's failure to disclose a prior motor-vehicle tort action and awarded the defendant costs. After Johnson died, Beyrer was substituted as plaintiff and appealed. The Court of Civil Appeals reversed the denial of a new trial and reversed the costs award. The Oklahoma Supreme Court granted certiorari, affirmed the denial of a new trial, left the Court of Civil Appeals' costs ruling undisturbed, withdrew the intermediate appellate opinion from publication, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The district court's denial of the motion for new trial was affirmed. The reversal of the district court's costs award was left undisturbed, and the matter was remanded for further proceedings consistent with the opinion.

CASES CITED

- Young v. Station 27, Inc., 2017 OK 68, 404 P.3d 829
- Gallagher v. Enid Regional Hospital, 1995 OK 137, 910 P.2d 984
- Hensley v. State Farm Fire & Casualty Co., 2017 OK 57, 398 P.3d 11
- Jackson v. Jones, 1995 OK 131, 907 P.2d 1067
- Cooper v. Booher, 2004 OK 40, 93 P.3d 19
- Stillwell v. Johnson, 1954 OK 189, 272 P.2d 365
- McDonough Power Equipment, Inc. v. Greenwood, 464 U.S. 548 (1984)
- Mullinix Construction Co. v. Myers, 1960 OK 241, 358 P.2d 187
- Fields v. Saunders, 2012 OK 17, 278 P.3d 577
- James v. Tyson Foods, Inc., 2012 OK 21, 292 P.3d 10
- Ledbetter v. Howard, 2012 OK 39, 276 P.3d 1031
- Dominion Bank of Middle Tennessee v. Masterson, 1996 OK 99, 928 P.2d 291
- Kansas City Southern Railway Co. v. Black, 1964 OK 192, 395 P.2d 416
- Love v. Harvey, 1968 OK 176, 448 P.2d 456
- Neumann v. Arrowsmith, 2007 OK 10, 164 P.3d 116

- Grisham v. City of Oklahoma City, 2017 OK 69, 404 P.3d 843
- Lierly v. Tidewater Petroleum Corp., 2006 OK 47, 139 P.3d 897
- State v. Durnam, 73 Minn. 150, 75 N.W. 1127 (1898)
- Kerby v. Hiesterman, 162 Kan. 490, 178 P.2d 194 (1947)
- Stover v. Superior Industries International, Inc., 29 Kan. App. 2d 235, 29 P.3d 967 (2001)
- King v. Casey's General Stores, Inc., 57 Kan. App. 2d 392, 450 P.3d 834 (2019)
- Drury v. Franke, 247 Ky. 758, 57 S.W.2d 969 (1933)
- Commonwealth ex rel. Transportation Cabinet, Department of Highways v. Wilson Furniture, Inc., 205 S.W.3d 267 (Ky. Ct. App. 2006)
- Brown v. Commonwealth, 174 S.W.3d 421 (Ky. 2005)
- Adkins v. Commonwealth, 96 S.W.3d 779 (Ky. 2003)
- Johnson v. McCullough, 306 S.W.3d 551 (Mo. 2010) (en banc)

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