

SUPREME COURT OF MINNESOTA

George v. Estate of Baker

724 N.W.2d 1 (Minn. 2006) · No. No. A05-108 · Decided November 22, 2006

SUMMARY

The Minnesota Supreme Court reviewed a wrongful-death action arising from a collision between a taxi and a tractor-trailer during a winter storm. The court upheld the jury's finding that both drivers were negligent but that neither driver's negligence caused the accident, and declined to order a new trial as to the truck driver. It reversed and remanded for a new trial on the taxi driver's liability because an erroneous curative instruction regarding the applicable standard of care may have affected the jury's causation analysis.

CASE DETAILS

COURT	Supreme Court of Minnesota
WRITING FOR THE COURT	Hanson, Justice; Hanson
JURISDICTION	Minnesota
DECIDED	November 22, 2006
DOCKET	No. A05-108
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appellant sought review of the denial of judgment notwithstanding the verdict and a new trial in a wrongful-death action. The Minnesota Supreme Court granted further review after the court of appeals affirmed the denial of JNOV and held that several trial errors were harmless.
STANDARD OF REVIEW	A JNOV is proper only when the evidence is so overwhelming on one side that reasonable minds cannot differ. Special-verdict answers will be set aside only when perverse and palpably contrary to the evidence. Evidentiary rulings and jury instructions are reviewed for prejudicial error; an erroneous instruction requires a new trial when its effect cannot be determined or a correct instruction could have changed the outcome.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Bob Makor George, as Trustee for the Heirs of Gonkartee Dekpah II, deceased v. Estate of Dennis Allen Baker, et al., CRST, Incorporated,

TOPICS

wrongful death

standard of care

proximate cause

jury instructions

evidence

PRACTICE AREAS

torts

evidence

civil procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether the jury's finding that Baker was negligent but that his negligence did not cause the accident was perverse and required JNOV or judgment as a matter of law.
2. Whether appellant adequately preserved the issues arising from his motion for a new trial in the petition for further review.
3. Whether admission of testimony concerning Baker's careful character and the number of other accidents occurring during the storm was prejudicial error.
4. Whether the district court's curative instruction incorrectly applying the reasonable-person standard to Baker was prejudicial and required a new trial.
5. Whether the same instructional and evidentiary errors required a new trial concerning Losey's liability.
6. Whether instructing the jury on a single Liberian life-expectancy figure was erroneous and required a new trial on damages.

HOLDINGS

1. The jury could reasonably find Baker negligent without finding that his negligence caused the accident; therefore, the verdict was not perverse and the denial of JNOV was proper.
2. Appellant adequately preserved the trial-error issues despite not specifically listing them in the statement of issues in the petition for further review.
3. The instruction that the reasonable-person standard applied to Baker materially misstated the law, was not cured by the later correct instruction, and constituted reversible error requiring a new trial on Baker's liability.
4. The evidentiary errors and curative instruction did not require a new trial concerning Losey because the extreme-caution standard applied only if the jury found hazardous conditions, and whether hazardous conditions existed was a fact question for the jury.
5. It was error to instruct the jury on a single Liberian life-expectancy figure because the figure lacked sufficient indicia of reliability and did not provide an age-specific expectancy applicable to Dekpah; a new trial on damages was required.

KEY QUOTATIONS

“A jury instruction is prejudicial if a more accurate instruction would have changed the outcome in the case.” (724 N.W.2d at 10)

“Because the negligent act is defined by the standard of care, an erroneous standard of care instruction will necessarily affect a jury's causation analysis.” (724 N.W.2d at 11)

“We hold that its use in the jury instructions was error and we remand for a new trial on damages.” (724 N.W.2d at 13)

FACTUAL BACKGROUND

On March 14, 2002, Gonkartee Dekpah was riding in a taxicab driven by Dennis Baker on Interstate 494 during a winter storm. The taxi fishtailed, crossed a median, and entered northbound traffic approximately ten feet in front of a tractor-trailer driven by Brian Keith Losey; Losey braked but collided with the taxi, killing Baker and Dekpah. Accident-reconstruction experts gave conflicting testimony, and the evidence could not establish whether weather, speed, passing, or another vehicle caused the taxi to lose control. At trial, the court admitted evidence concerning other accidents and Baker's careful character and instructed the jury using both a reasonable-care standard and, elsewhere, an utmost-caution standard for Baker; it also instructed on a Liberian life-expectancy figure for Dekpah.

PROCEDURAL HISTORY

A jury found both the taxi driver and the tractor-trailer driver negligent but found that neither driver's negligence was a direct cause of the accident, and awarded damages to the decedent's heirs. The district court adopted the verdict and dismissed the action, denying appellant's motions for JNOV or a new trial. The court of appeals affirmed the JNOV ruling and concluded that evidentiary and instructional errors were harmless. The Supreme Court affirmed the JNOV ruling and the judgment as to Losey, but reversed and remanded for a new trial concerning Baker's liability and damages.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand for a new trial on Baker's liability, including both negligence and causation, because the negligence and causation issues could not practically be separated. Remand also for a new trial on damages because of the erroneous Liberian life-expectancy instruction. The judgment and denial of a new trial concerning Losey's liability were affirmed.

CASES CITED

- Clifford v. Geritom Med., Inc., 681 N.W.2d 680 (Minn. 2004)
- Hauenstein v. Loctite Corp., 347 N.W.2d 272 (Minn. 1984)
- Fallin v. Maplewood-N. St. Paul Dist. No. 622, 362 N.W.2d 318 (Minn. 1985)
- Norberg v. Northwestern Hosp. Ass'n, 270 N.W.2d 271 (Minn. 1978)

- Kilbane v. County of Ramsey, 292 Minn. 86, 193 N.W.2d 301 (1971)
- Jorgensen v. Hawton, 281 Minn. 370, 161 N.W.2d 676 (1968)
- Holten v. Parker, 302 Minn. 167, 224 N.W.2d 139 (1974)
- In re GlaxoSmithKline PLC, 699 N.W.2d 749 (Minn. 2005)
- Northwest Racquet Swim & Health Clubs, Inc. v. Deloitte & Touche, 535 N.W.2d 612 (Minn. 1995)
- Hapka v. Paquin Farms, 458 N.W.2d 683 (Minn. 1990)
- Kroning v. State Farm Auto. Ins. Co., 567 N.W.2d 42 (Minn. 1997)
- Jenson v. Touche Ross & Co., 335 N.W.2d 720 (Minn. 1983)
- Estate of Lea v. Sheehan, 301 Minn. 253, 222 N.W.2d 92 (1974)
- Haukom v. Chicago Great W. Ry. Co., 269 Minn. 542, 132 N.W.2d 271 (1964)
- Lindstrom v. Yellow Taxi Co., 298 Minn. 224, 214 N.W.2d 672 (1974)
- McKellar v. Yellow Cab Co., 148 Minn. 247, 181 N.W. 348 (1921)
- State v. Kuhnau, 622 N.W.2d 552 (Minn. 2001)
- Rowe v. Munye, 702 N.W.2d 729 (Minn. 2005)
- Lewis v. Equitable Life Assurance Soc'y of the U.S., 389 N.W.2d 876 (Minn. 1986)
- Morlock v. St. Paul Guardian Ins. Co., 650 N.W.2d 154 (Minn. 2002)
- Koenigs v. Werner, 263 Minn. 80, 116 N.W.2d 73 (1962)
- Draxton v. Katzmarek, 203 Minn. 161, 280 N.W. 288 (1938)
- Lincoln v. Power, 151 U.S. 436, 14 S. Ct. 387, 38 L. Ed. 224 (1894)
- Tollefson v. Ehlers, 252 Minn. 370, 90 N.W.2d 205 (1958)
- Hallada v. Great N. Ry., 244 Minn. 81, 69 N.W.2d 673 (1955)
- Thoirs v. Pounsford, 210 Minn. 462, 299 N.W. 16 (1941)
- Busch v. Busch Constr., Inc., 262 N.W.2d 377 (Minn. 1977)
- Decker v. McSorley, 111 Wis. 91, 86 N.W. 554 (1901)
- Carl v. De Toffol, 223 Minn. 24, 25 N.W.2d 479 (1946)