

SUPREME COURT OF ALABAMA

Unicare, Inc. v. Felicia Peoples Hood

823 So. 2d 1252 (Ala. 2001) · No. 1991003 · Decided April 20, 2001

SUMMARY

The Supreme Court of Alabama held that the trial court erred by denying Unicare's post-judgment motion for a remittitur without stating reasons and by failing to conduct a requested hearing under Rule 59(g), Ala. R. Civ. P. The court remanded for a hearing addressing the damages challenge and allegations concerning jurors' voir dire responses, including whether Unicare was probably prejudiced. The reporter's note states that the appeal was later dismissed on the appellant's motion.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Woodall, Justice; Moore, C.J.; Houston, J.; Lyons, J.; Johnstone, J.
JURISDICTION	Alabama
DECIDED	April 20, 2001
DOCKET	1991003
DISPOSITION	remanded
PROCEDURAL POSTURE	Unicare appealed from a judgment entered on a jury verdict awarding Hood \$5 million in a wrongful-death action. The Supreme Court of Alabama remanded for the trial court to provide reasons for denying the motion for remittitur and to conduct the hearing requested on Unicare's post-judgment motion, including the juror voir-dire allegations.
STANDARD OF REVIEW	The trial court's determination of probable prejudice from allegedly improper voir-dire responses is reviewed for abuse of discretion. The Supreme Court stated that it could not determine whether an abuse of discretion occurred without an adequate record.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Alabama; precedential.
PARTIES	Unicare, Inc. v. Felicia Peoples Hood, as personal representative of the Estate of Willie Hazel Strickland, deceased

TOPICS

motion for new trial

motion for reconsideration

damages

appellate procedure

civil procedure

PRACTICE AREAS

civil procedure

appellate procedure

torts

remedies

QUESTIONS PRESENTED

1. Whether the trial court erred by denying Unicare's post-judgment motion without holding the hearing requested under Rule 59(g), Ala. R. Civ. P.
2. Whether the trial court erred by denying the motion for remittitur without stating the reasons for the denial.
3. What procedure the trial court must follow on remand in addressing the allegations that two jurors failed to disclose prior representation by Hood's counsel.

HOLDINGS

1. When a party requests a hearing under Rule 59(g), Ala. R. Civ. P., the trial court must provide the parties an opportunity to be heard before ruling on the post-trial motion. The trial court erred by denying Unicare's motion without holding the requested hearing.
2. A trial court must state the reasons supporting its denial of a motion for remittitur. Because the trial court denied Unicare's remittitur motion without such a statement, the case had to be remanded for entry of an order complying with that requirement.
3. When a motion for new trial alleges improper responses or a lack of responses by veniremembers during voir dire, the trial court must inquire whether the movant was probably prejudiced. If probable prejudice resulted, the motion for new trial must be granted.

KEY QUOTATIONS

"Rule 59(g), Ala. R. Civ. P., provides that post-trial motions "shall not be ruled upon until the parties have had opportunity to be heard thereon." (823 So. 2d at 1253)

"In determining the merits of a motion for a new trial that is grounded on allegedly improper responses, or a lack of responses, by veniremembers during voir dire, the trial court must inquire as to whether the movant was probably prejudiced." (823 So. 2d at 1254)

FACTUAL BACKGROUND

A jury awarded Felicia Peoples Hood, as personal representative of her mother's estate, \$5 million in a wrongful-death action against Unicare. Unicare's post-judgment motion challenged the verdict as excessive, requested a remittitur and a hearing under Alabama Rule of Civil Procedure 59(g), and alleged that two jurors failed to answer voir-dire questions about prior representation by Hood's attorneys. The trial court denied the motion without holding the requested hearing and without stating reasons for denying remittitur.

PROCEDURAL HISTORY

Hood filed a wrongful-death complaint on April 8, 1995, concerning the death of her mother, Willie Hazel Strickland. The jury returned a \$5 million verdict on December 8, 1999, and the trial court entered judgment that day. Unicare filed a comprehensive post-judgment motion requesting oral argument, challenging the damages award, and alleging that two jurors failed to disclose prior representation by Hood's counsel. The trial court denied the motion without a hearing or explanation, prompting the appeal. The Supreme Court remanded with instructions; the reporter's note states that the appeal was later dismissed on Unicare's motion on August 24, 2001.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The trial court must conduct the requested hearing on Unicare's post-judgment motion, including the damages and remittitur issues and the allegations concerning the two jurors' failure to answer voir-dire questions. It must enter an order stating the reasons for denying remittitur, inquire whether Unicare was probably prejudiced by the jurors' conduct, and file a return with the Supreme Court within 56 days after release of the opinion. After the return, Unicare may file a brief within 14 days, Hood may respond within 7 days, and Unicare may reply within 7 days.

CASES CITED

- Green Oil Co. v. Hornsby, 539 So. 2d 218 (Ala. 1989)
- BMW of North America, Inc. v. Gore, 517 U.S. 559, 116 S. Ct. 1589, 134 L. Ed. 2d 809 (1996)
- Hammond v. City of Gadsden, 493 So. 2d 1374 (Ala. 1986)
- Kitchens v. Maye, 623 So. 2d 1082 (Ala. 1993)
- Freeman v. Hall, 286 Ala. 161, 238 So. 2d 330 (1970)
- Eaton v. Horton, 565 So. 2d 183 (Ala. 1990)
- Ayres v. Lakeshore Community Hosp., 689 So. 2d 39, 42 (Ala. 1997)