

SUPREME COURT OF NORTH DAKOTA

Rentz v. BNSF Railway Company

Rentz v. BNSF Railway Co., 2020 ND 254 (2020) · No. 20200074 · Decided December 17, 2020

SUMMARY

The North Dakota Supreme Court reversed a jury verdict and money judgment for David Rentz against BNSF Railway Company in a railroad-crossing negligence action. The Court held that the trial court erred by allowing BNSF's designated trial representative, who lacked personal knowledge, to testify about BNSF's vegetation-control policies and related corporate decisions. Because the error affected BNSF's substantial right to a fair trial, the Court remanded for a new trial.

CASE DETAILS

COURT	Supreme Court of North Dakota
WRITING FOR THE COURT	Jon J. Jensen, Chief Justice; Gerald W. VandeWalle; Daniel J. Crothers; Lisa Fair McEvers; Jerod E. Tufte
JURISDICTION	North Dakota
DECIDED	December 17, 2020
DOCKET	20200074
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	BNSF appealed from a jury verdict and money judgment for Rentz and from the district court's denial of BNSF's motion for judgment as a matter of law or, alternatively, a new trial.
STANDARD OF REVIEW	The denial of a motion for a new trial is reviewed for abuse of discretion. An abuse of discretion occurs when the trial court acts arbitrarily, unconscionably, or unreasonably, when its decision is not the product of a rational mental process leading to a reasoned determination, or when it misapplies or misinterprets the law. A new trial is warranted only for errors affecting a party's substantial rights.
PRECEDENTIAL VALUE	Published North Dakota Supreme Court opinion
PARTIES	BNSF Railway Company v. David Phillip Rentz

TOPICS

- evidence
- appellate procedure
- motion for new trial
- harmless error
- standard of review

PRACTICE AREAS

evidence

personal injury

negligence

civil procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether a lay witness designated as a corporation's trial representative under N.D.R.Ev. 615(b) may be examined about corporate policies and decisions outside the witness's personal knowledge.
2. Whether the trial court's admission of testimony outside the witness's personal knowledge affected BNSF's substantial right to a fair trial and required a new trial.
3. Whether the use of deposition clips, BNSF's internal operating procedures, and the investigating trooper's opinion testimony constituted reversible error.

HOLDINGS

1. Designation of a corporate representative to remain in the courtroom under N.D.R.Ev. 615(b) does not eliminate the requirement that a lay witness have personal knowledge of the matters about which the witness testifies. The Rule 615 designation is not a substitute for the organizational deposition process under N.D.R.Civ.P. 30(b)(6).
2. The error in permitting Guitian to testify outside his personal knowledge affected BNSF's substantial right to a fair trial and required reversal of the judgment and a new trial.

KEY QUOTATIONS

“Rule 615 does not act as a substitute for the process described in N.D.R.Civ.P. 30(b)(6) and does not require the organization to expose its trial representative to examination regarding all information known or reasonably available to the organization.” (¶ 10)

“We conclude the court erred in requiring Guitian to testify on matters outside his personal knowledge when he was cross examined on BNSF’s vegetation control policies and whether those policies were followed at the location of the accident in this case.” (¶ 11)

“The court abused its discretion in denying the motion for a new trial because the examination of BNSF’s designated trial representative exceeded the scope of his personal knowledge, and the subsequent use of the testimony had an affect on the substantial right of BNSF to have a fair trial.” (¶ 25)

FACTUAL BACKGROUND

In July 2012, a tractor-trailer driven by David Rentz collided with a BNSF train at a public railroad crossing, allegedly because vegetation obstructed the view of the crossing. Rentz sued BNSF and the train engineer for personal injuries; the engineer was later dismissed. At trial, the engineer served as BNSF's designated trial representative under N.D.R.Ev. 615(b), although he lacked personal knowledge of BNSF's vegetation-control policies and related corporate decisions. Rentz's counsel questioned him about those matters and repeatedly characterized his answers as admissions by BNSF.

PROCEDURAL HISTORY

Rentz sued BNSF and the train engineer after a 2012 vehicle-train collision; the engineer was later dismissed. Following an eleven-day jury trial, the jury found Rentz 15% at fault and BNSF 85% at fault, and judgment was entered for Rentz. The district court denied BNSF's post-trial motions, and BNSF appealed.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The district court must conduct a new trial.

CASES CITED

- Nesvig v. Nesvig, 2006 ND 66, ¶ 20, 712 N.W.2d 299
- State v. Buchholz, 2004 ND 77, ¶ 24, 678 N.W.2d 144
- United States v. Collins, 340 F.3d 672, 681 (8th Cir. 2003)
- Sathren v. Behm Propane, Inc., 444 N.W.2d 696, 697-98 (N.D. 1989)
- Roberts v. Hail Unlimited, a Div. of Int'l Bus. & Mercantile Re-Assurance Co., 358 N.W.2d 776, 780 (N.D. 1984)
- Cullen v. Williams Cty., 446 N.W.2d 250, 252 (N.D. 1989)
- Haider v. Moen, 2018 ND 174, ¶ 6, 914 N.W.2d 520
- Kronberger v. Zins, 463 N.W.2d 656, 658-59 (N.D. 1990)
- Allen v. Kleven, 306 N.W.2d 629, 639 (N.D. 1981)
- Zimmer v. Bellon, 153 N.W.2d 757, 760 (N.D. 1967)
- State v. Acker, 2015 ND 278, ¶ 12, 871 N.W.2d 603
- Johnson v. Buskohl Construction, Inc., 2015 ND 268, ¶¶ 17, 27-30, 871 N.W.2d 459
- Richard v. Board of Sup'rs of Louisiana State University and A & M College, 960 So.2d 953 n.13 (La. Ct. App. 2007)
- Bay Point Properties, Inc. v. Mississippi Transp. Comm'n, 201 So.3d 1046, 1056 (Miss. 2016)
- Wyeth v. Rowatt, 244 P.3d 765, 778 (Nev. 2010)
- State v. Zamora, 575 P.2d 1355, 1359 (N.M. 1978)
- Bank of Pleasant Grove v. Johnson, 552 P.2d 1276, 1278 (Utah 1976)