

SUPREME COURT OF TEXAS

Bed, Bath & Beyond, Inc. v. Rafael Urista

Bed, Bath & Beyond, Inc. v. Urista, 211 S.W.3d 753 (Tex. 2006) · No. 04-0332 · Decided December 29, 2006

SUMMARY

The Texas Supreme Court considered whether submitting unsupported inferential rebuttal instructions on unavoidable accident and new and independent cause constituted harmful charge error in a premises-liability case involving merchandise falling from a store shelf. The Court held that the error was harmless and affirmed the judgment, while Justice Medina, joined by Chief Justice Jefferson, dissented. The dissent argued that the instruction likely influenced the jury’s finding that Bed, Bath & Beyond was not negligent and that a new trial was warranted.

CASE DETAILS

COURT	Supreme Court of Texas
WRITING FOR THE COURT	Justice David M. Medina; Chief Justice Jefferson
JURISDICTION	Texas
DECIDED	December 29, 2006
DOCKET	04-0332
DISPOSITION	other
PROCEDURAL POSTURE	Dissent from the Texas Supreme Court's conclusion that the trial court's erroneous submission of inferential rebuttal instructions was harmless error.
STANDARD OF REVIEW	Charge error is reversible when it probably caused the rendition of an improper judgment; appellate review considers the entire record and the jury charge. The dissent also refers to factual-sufficiency review requiring consideration of the entire record and all the evidence.
PRECEDENTIAL VALUE	Published dissenting opinion; the dissenting reasoning is not the binding holding of the court.
PARTIES	Bed, Bath & Beyond, Inc. v. Rafael Urista

TOPICS

- jury instructions
- standard jury instructions
- negligence
- standard of review
- appellate procedure

PRACTICE AREAS

torts

civil procedure

appellate procedure

jury instructions

QUESTIONS PRESENTED

1. Whether the trial court improperly submitted unavoidable-accident and new-and-independent-cause inferential rebuttal instructions without evidentiary support.
2. Whether the erroneous unavoidable-accident instruction probably caused the rendition of an improper judgment and therefore required a new trial.
3. Whether the broad-form submission rule of *Crown Life Insurance Co. v. Casteel* applied to the charge error.

HOLDINGS

1. An unavoidable-accident instruction is proper only when the evidence raises a question whether the event was proximately caused by a condition or circumstance beyond the control of the parties, rather than by negligence of a party.
2. The dissent would hold that the unsupported unavoidable-accident instruction was harmful because it confused the jury and probably caused the negative answer to the only liability question the jury reached.
3. The dissent agreed that *Casteel* did not apply because the charge contained a single negligence theory rather than a broad-form liability question commingling valid and invalid theories.

KEY QUOTATIONS

“An unavoidable accident instruction is proper only when there is evidence that the event was proximately caused by a nonhuman condition and not by the negligence of any party to the event.” (849 S.W.2d at 803)

“except in certain types of cases, “courts should refrain from submitting an unavoidable accident instruction . . . due to the risk that the jury will be misled or confused by the perception that the instruction represents a separate issue distinct from general principles of negligence.”” (906 S.W.2d at 472-73)

“But we ask jurors to decide only the questions asked, without regard to the effect of their answers.”

“The trial court in this case sanctioned the jury’s deciding “who should win” (without regard to the evidence) by submitting an unavoidable accident instruction, and the Court today stamps its imprimatur on that practice.”

FACTUAL BACKGROUND

Trash cans and other merchandise stored on a twelve-foot-high shelf fell into the aisle while Rafael Urista and his wife were shopping. BBB's representative testified that BBB's employee caused the accident through human error and that, had the employee performed his job properly, Urista would not have been injured. BBB nevertheless obtained unavoidable-accident and new-and-independent-cause instructions, although the dissent

concluded that the evidence did not support either instruction and that the unavoidable-accident instruction likely caused the jury to answer the negligence question negatively.

PROCEDURAL HISTORY

Urista was injured when merchandise fell from a high shelf at a Bed, Bath & Beyond store. The jury found that BBB's negligence did not proximately cause the occurrence after receiving instructions on unavoidable accident and new and independent cause. The case came to the Supreme Court of Texas on petition for review from the First Court of Appeals. Justice Medina would have agreed with the court of appeals that the erroneous unavoidable-accident instruction confused the jury and required a new trial, rather than finding the error harmless.

DISPOSITION

other

REMAND INSTRUCTIONS

Justice Medina would affirm the court of appeals' judgment remanding the case for a new trial. The majority disposition is not stated in the supplied dissent text.

CASES CITED

- Hill v. Winn Dixie Texas, Inc., 849 S.W.2d 802, 803 (Tex. 1992)
- Dillard v. Tex. Elec. Coop., 157 S.W.3d 429, 432-34 (Tex. 2005)
- Reinhart v. Young, 906 S.W.2d 471, 472-74 (Tex. 1995)
- Crown Life Ins. Co. v. Casteel, 22 S.W.3d 378, 388-89 (Tex. 2000)
- Harris County v. Smith, 96 S.W.3d 230, 233 (Tex. 2002)
- Dallas Ry. & Terminal Co. v. Bailey, 250 S.W.2d 379, 384 (Tex. 1952)
- Young v. Massey, 101 S.W.2d 809, 810 (Tex. 1937)
- Morgan v. Compugraphic Corp., 675 S.W.2d 729, 731 n.2 (Tex. 1984)
- Choate v. San Antonio & A.P. Ry. Co., 44 S.W. 69 (Tex. 1898)