

CALIFORNIA COURT OF APPEAL, THIRD DISTRICT

Redwood Turkey Hatchery, Inc. v. Meadowbrook Farms

152 Cal. App. 2d 481, 313 P.2d 146 (Cal. Ct. App. 1957) · No. No. 9122 · Decided July 15, 1957

SUMMARY

The California Court of Appeals considered whether the trial court properly granted defendants a new trial based on newly discovered evidence concerning the relationships among several Minnesota turkey-hatchery corporations and an individual involved in the transactions. The court held that granting a new trial was within the trial court's discretion and did not constitute an abuse of discretion or a miscarriage of justice. The order granting a new trial was affirmed.

CASE DETAILS

COURT	California Court of Appeal, Third District
WRITING FOR THE COURT	Van Dyke, P.J.; Schottky, J.; Warne, J. pro tem.
JURISDICTION	California
DECIDED	July 15, 1957
DOCKET	No. 9122
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff appealed from an order granting defendants a new trial on the ground of newly discovered evidence.
STANDARD OF REVIEW	An order granting a new trial on the ground of newly discovered evidence is reviewed for abuse of discretion. The order will stand unless the abuse is so substantial that granting the new trial amounts to a miscarriage of justice.
PRECEDENTIAL VALUE	Published California Court of Appeal opinion
PARTIES	Redwood Turkey Hatchery, Inc. v. Meadowbrook Farms

TOPICS

- motion for new trial
- appellate procedure
- standard of review
- contracts
- commercial litigation

PRACTICE AREAS

- civil procedure
- appellate procedure
- contracts
- commercial litigation

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by granting defendants a new trial based on newly discovered evidence.
2. Whether the newly discovered evidence was material and sufficiently significant to justify retrial despite defendants' failure to conduct more extensive pretrial discovery.

HOLDINGS

1. An order granting a new trial on the ground of newly discovered evidence will be affirmed unless the trial court abused its discretion to the extent that the order constitutes a miscarriage of justice.
2. The trial court did not abuse its discretion in granting a new trial because the newly discovered evidence materially corroborated defendants' evidence that their dealings had been with Dahmes personally and directly affected the trial court's conclusion that defendants had dealt with plaintiff corporation.

KEY QUOTATIONS

“The granting or denying of a new trial rests in the discretion of the trial judge.” (485)

“We have concluded from the whole record that the trial court's order granting a new trial ought to be affirmed.” (485)

“We hold the order made did not constitute an abuse of judicial discretion, nor constitute a miscarriage of justice.” (487)

FACTUAL BACKGROUND

Redwood Turkey Hatchery, a Minnesota corporation, claimed that it paid Meadowbrook Farms \$500 and \$7,000 for 20,000 turkey eggs that Meadowbrook failed to deliver. Meadowbrook contended that the money came from Melbourne Dahmes and was applied to an antecedent debt for eggs previously delivered to Dahmes or to another corporation. Evidence at trial conflicted concerning whether Dahmes acted personally or as plaintiff's agent, whose funds were paid, and the relationship among Dahmes and several Minnesota corporations. After trial, defendants obtained additional evidence from Minnesota concerning the corporations' common personnel, facilities, ownership, insolvency, and lack of assets, which supported defendants' contention that they had dealt personally with Dahmes and justified a new trial.

PROCEDURAL HISTORY

Redwood Turkey Hatchery sued Meadowbrook Farms to recover \$7,500 allegedly paid for turkey eggs that were not delivered. After trial, the court found that \$7,000 had been paid from plaintiff's funds and that defendants had no right to apply that amount to an antecedent debt. The trial court granted defendants a new trial based on newly discovered evidence concerning the relationships among plaintiff, its predecessor corporations, and Dahmes. The Court of Appeal affirmed.

DISPOSITION

affirmed

CASES CITED

- Dasso v. Bradbury, 39 Cal. App. 2d 712, 104 P.2d 128

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