

COURT OF APPEALS OF MINNESOTA

Eliason v. Textron, Inc.

400 N.W.2d 805 (Minn. Ct. App. 1987) · No. No. C3-86-1382 · Decided February 17, 1987

SUMMARY

The Minnesota Court of Appeals reviewed the denial of Steven Eliason's motion for a new trial following a jury verdict finding him entirely negligent in a pedestrian-vehicle collision. The court held that the trial court acted within its discretion because evidence, including testimony about the driver's observations and Eliason's alcohol consumption, reasonably supported the jury's apportionment of negligence. The order denying a new trial was affirmed.

CASE DETAILS

COURT	Court of Appeals of Minnesota
WRITING FOR THE COURT	Leslie, Judge; Wozniak, P.J.; Leslie, J.; Randall, J.
JURISDICTION	Minnesota
DECIDED	February 17, 1987
DOCKET	No. C3-86-1382
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order denying the appellant's motion for a new trial after a jury found him 100% negligent and responsible for his injuries.
STANDARD OF REVIEW	The denial of a motion for a new trial is reviewed under a stringent, discretionary standard: whether the trial court exercised reasonable discretion. A jury's apportionment of negligence will not be set aside unless no evidence reasonably tends to sustain it or the apportionment is manifestly and palpably against the weight of the evidence.
PRECEDENTIAL VALUE	Published precedential opinion of the Minnesota Court of Appeals
PARTIES	Steven Eliason v. Textron, Inc., Paul Walliver, Textron, Inc.'s subdivision

TOPICS

- motion for new trial
- standard of review
- appellate procedure
- negligence
- comparative fault

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by denying Eliason's motion for a new trial on the ground that the jury's verdict and apportionment of negligence were unsupported by the evidence.

HOLDINGS

1. The trial court did not abuse its discretion in denying Eliason's motion for a new trial.
2. The jury's apportionment of negligence should not be set aside because evidence reasonably tended to support it and the apportionment was not manifestly and palpably against the weight of the evidence.

KEY QUOTATIONS

"An appellate court is subject to a stringent standard of review when examining a trial court's denial of a new trial motion." (400 N.W.2d at 806-07)

"A jury's apportionment of negligence is not set aside unless there is no evidence reasonably tending to sustain the apportionment or unless the apportionment is "manifestly and palpably against the weight of the evidence."" (400 N.W.2d at 807)

FACTUAL BACKGROUND

On April 28, 1983, Paul Walliver, driving a company pickup truck while delivering parts, struck Steven Eliason as Eliason crossed an intersection in Minneapolis. The traffic signal was green, but the parties disputed whether Eliason had a walk signal and whether he entered the crosswalk before Walliver turned. Evidence concerning fault was sparse; Walliver testified that he did not see anyone in the crosswalk, and police officers testified that Eliason smelled strongly of alcohol after the collision. The jury found Eliason 100% negligent and responsible for his injuries.

PROCEDURAL HISTORY

After Steven Eliason was injured when Paul Walliver's company truck struck him while he was crossing an intersection, a jury found Eliason 100% negligent. Eliason moved for a new trial, arguing that the verdict was unsupported by the evidence, contrary to law, and influenced by passion or prejudice. The trial court denied the motion, and the Minnesota Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Koenig v. Ludowese, 308 Minn. 380, 243 N.W.2d 29 (1976)
- State v. Pearson, 260 Minn. 477, 110 N.W.2d 206 (1961)
- Martin v. Bussert, 292 Minn. 29, 193 N.W.2d 134 (1971)

