

SUPREME COURT OF MISSOURI

Newton v. Ford Motor Co.

282 S.W.3d 825 (Mo. banc 2009) · No. SC 89610 · Decided May 5, 2009

SUMMARY

The Supreme Court of Missouri held that the trial court erred by preventing plaintiffs from discussing evidence of post-upgrade fuel-leakage accidents during closing argument after Ford had introduced that evidence at trial. The Court presumed prejudice from the restriction, concluded that Ford had used the ruling to its advantage, reversed the judgment in Ford's favor, and remanded for a new trial. A separate concurring opinion discussed potential issue preclusion concerning damages previously determined in plaintiffs' final judgment against Trade Winds Distributing.

CASE DETAILS

COURT	Supreme Court of Missouri
WRITING FOR THE COURT	Per Curiam; Stith, C.J.; Price, J.; Teitelman, J.; Fischer, J.; Dowd, Sp.J.; McElwain, Sp.J.; Wolff, J.; Russell, J. (not participating); Breckenridge, J. (not participating)
JURISDICTION	Missouri
DECIDED	May 5, 2009
DOCKET	SC 89610
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Plaintiffs appealed from judgments entered after a jury verdict in favor of Ford in their wrongful-death and personal-injury claims. After the court of appeals issued an opinion, the Supreme Court of Missouri granted transfer and reviewed the trial court's denial of plaintiffs' motion for a new trial.
STANDARD OF REVIEW	An appellate court considers trial error prejudicial when it appears from the record that the error materially affected the merits of the action. The Supreme Court applied a presumption of prejudice when admitted evidence is excluded from discussion during closing argument and placed the burden on Ford to show that the error was not prejudicial.
PRECEDENTIAL VALUE	Published en banc opinion of the Supreme Court of Missouri; precedential.

PARTIES

Shonnie Newton, et al., Michael Nolte and Barbie Nolte v. Ford Motor Company

TOPICS

evidence harmless error appellate procedure products liability wrongful death

PRACTICE AREAS

products liability evidence appellate procedure wrongful death personal injury

QUESTIONS PRESENTED

1. Whether the trial court erred by barring plaintiffs from discussing during closing argument evidence of 11 post-upgrade rear-impact accidents that had been introduced by Ford's own counsel.
2. Whether the error materially affected the merits of the action and therefore required a new trial.

HOLDINGS

1. Once Ford introduced evidence of all 11 post-upgrade accidents into the record, plaintiffs were entitled to discuss that evidence during closing argument, notwithstanding the trial court's earlier ruling limiting admissibility to four pre-Newton accidents.
2. The error was presumed prejudicial, and Ford failed to rebut the presumption because it used the trial court's ruling to argue that the shield upgrade kit had cured the only relevant fuel-system defect while plaintiffs were prevented from presenting contrary inferences from the other accidents.

KEY QUOTATIONS

"When evidence admitted during trial is excluded from being discussed in final argument, an appellate court presumes that the exclusion was prejudicial." (827)

"Thus, once the accidents were in evidence, plaintiffs were entitled to discuss all 11 accidents despite the court's earlier ruling that only the four 'pre-Newton' accidents were admissible." (831)

"Because the trial court refused to allow plaintiffs' discussion of the 11 post-upgrade accidents during closing argument, however, plaintiffs were barred unfairly from presenting this theory to the jury." (832)

FACTUAL BACKGROUND

A truck driven by Paul Daniel struck a Missouri Highway Patrol car on Interstate 70 while Trooper Michael Newton and Michael Nolte were inside. The patrol car caught fire, killing Newton and seriously burning Nolte. Plaintiffs alleged that defects in the Ford Crown Victoria Police Interceptor's anti-spill valve and the placement of its fuel tank caused the fuel leakage and explosion. Ford had installed a shield upgrade kit, but evidence showed that multiple upgraded vehicles had later experienced rear-impact fuel leakage or fires.

PROCEDURAL HISTORY

Plaintiffs sued Ford Motor Company and Trade Winds Distributing, Inc. after a Ford Crown Victoria police vehicle caught fire following a rear-impact collision. The jury found for plaintiffs against Trade Winds and awarded damages, but found for Ford. The trial court acknowledged that it had improperly barred plaintiffs from discussing evidence of post-upgrade accidents during closing argument but denied a new trial on the ground that the error was not prejudicial. The Supreme Court of Missouri reversed the judgment for Ford and remanded for a new trial.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The judgment in favor of Ford was reversed and the case was remanded for a new trial on plaintiffs' claims against Ford. The concurrence further suggested that the trial court address issue preclusion concerning the damages previously determined against Trade Winds and whether punitive or aggravating-circumstances damages were submissible.

CASES CITED

- Lopez v. Three Rivers Elec. Co-op., Inc., 26 S.W.3d 151, 159 (Mo. banc 2000)
- Lewis v. Wahl, 842 S.W.2d 82, 84-85 (Mo. banc 1992)
- Tune v. Synergy Gas Corp., 883 S.W.2d 10, 22 (Mo. banc 1994)
- Hudson v. Carr, 668 S.W.2d 68, 70 (Mo. banc 1984)
- Oates v. Safeco Ins. Co. of America, 583 S.W.2d 713, 719 (Mo. banc 1979)

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