

DISTRICT COURT OF APPEAL OF FLORIDA, FIRST DISTRICT

Schmidt v. Van

65 So. 3d 1105 (Fla. 1st DCA 2011) · No. No. 1D10-4206 · Decided June 30, 2011

SUMMARY

The Florida First District Court of Appeal reviewed an order granting the plaintiffs a new trial after a jury found that the defendant's automobile accident did not cause the plaintiff's injuries. The court held that the trial court improperly disregarded conflicting lay testimony and the jury's authority to reject expert testimony, reversed the new-trial order, and remanded for reinstatement of the jury verdict.

CASE DETAILS

COURT	District Court of Appeal of Florida, First District
WRITING FOR THE COURT	Rowe, J.; Wolf, J.; Thomas, J.
JURISDICTION	Florida
DECIDED	June 30, 2011
DOCKET	No. 1D10-4206
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The defendant appealed an order granting the plaintiffs a new trial after the jury returned a verdict finding that the plaintiff suffered no injury caused by the automobile accident.
STANDARD OF REVIEW	An order granting a new trial on the ground that the verdict is contrary to the manifest weight of the evidence is reviewed for abuse of discretion under a reasonableness test. An appellate court may find an abuse of discretion when the record does not support the trial court's determination or when the determination rests on an incorrect conclusion of law.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Daniel J. Schmidt v. Charles Van, Sr., Rilla Van

TOPICS

- personal injury
- expert testimony
- evidence
- standard of review
- motion for new trial

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by granting a new trial on the ground that the jury's no-causation verdict was against the manifest weight of the evidence.
2. Whether a jury may reject expert medical testimony on causation when conflicting lay testimony and other evidence provide a reasonable basis for doing so.

HOLDINGS

1. The trial court abused its discretion in granting a new trial because its determination that the verdict was against the manifest weight of the evidence rested on the legally erroneous premise that the jury could not reject the medical experts' causation opinions.
2. A jury may accept or reject expert testimony, including medical causation testimony, when the evidence provides a reasonable basis for rejecting it; conflicting lay testimony or other evidence may supply that basis.

KEY QUOTATIONS

"If an appellate court determines that reasonable persons could differ as to the propriety of the action taken by the trial court, there can be no finding of an abuse of discretion." (65 So. 3d at 1107)

"It is well-established that a jury may reject any testimony, including testimony of experts." (65 So. 3d at 1108)

"However, 'the jury's ability to reject [expert] testimony must be based on some reasonable basis in the evidence.'" (65 So. 3d at 1108)

"'[E]ven though the facts testified to by [the medical experts] were not within the ordinary experience of the members of the jury, the jury was still free to determine their credibility and to decide the weight to be ascribed to them in the face of conflicting lay evidence.'" (65 So. 3d at 1108)

FACTUAL BACKGROUND

The Vans claimed that Mr. Van's cervical injury and September 2009 spinal fusion surgery resulted from an October 2007 automobile accident caused by Schmidt. Schmidt conceded liability for causing the accident but disputed medical causation, emphasizing the accident's minor nature, Mr. Van's prior cervical fusion, a prior serious automobile accident, pre-existing spinal degeneration, other medical conditions, and inconsistencies in Mr. Van's testimony and medical history. Although three medical experts testified that the accident caused the injury at least in part, the jury found no causation after hearing conflicting lay testimony and reviewing photographs and medical records.

PROCEDURAL HISTORY

The Vans sued Schmidt for personal injuries allegedly resulting from an October 2007 automobile accident. After a three-day trial, the jury found that Mr. Van had not suffered an injury as a result of the accident. The trial

court granted the Vans' motion for a new trial, determining that the verdict was against the manifest weight of the evidence because three medical experts attributed the injury at least in part to the accident. On rehearing, the First District withdrew its prior opinion, reversed the new-trial order, and remanded for entry of judgment on the jury verdict.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must enter judgment on and reinstate the jury verdict in favor of Schmidt.

CASES CITED

- Brown v. Estate of Stuckey, 749 So. 2d 490 (Fla. 1999)
- Trujillo v. Uniroyal Tire Co., 753 So. 2d 1256 (Fla. 2000)
- Jordan v. Brown, 855 So. 2d 231, 234 (Fla. 1st DCA 2003)
- Corbett v. Wilson, 48 So. 3d 131, 133 (Fla. 5th DCA 2010)
- Shaw v. Puleo, 159 So. 2d 641, 644 (Fla. 1964)
- Frank v. Wyatt, 869 So. 2d 763 (Fla. 1st DCA 2004)
- Wald v. Grainger, 64 So. 3d 1201, 1205-06 (Fla. 2011)
- Easkold v. Rhodes, 614 So. 2d 495, 497-98 (Fla. 1993)
- Chomont v. Ward, 103 So. 2d 635 (Fla. 1958)
- Roach v. CSX Transportation, Inc., 598 So. 2d 246, 250 (Fla. 1st DCA 1992)

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