

SUPREME COURT OF SOUTH DAKOTA

Lenards v. DeBoer

2015 S.D. 49 · No. #27191 · Decided June 17, 2015

SUMMARY

The South Dakota Supreme Court affirmed the denial of Jill Lenards’s motion for a new trial after a jury returned a general verdict for John DeBoer in a negligence action arising from a motor-vehicle collision. The Court held that disputed causation and pain-and-suffering damages, together with the general verdict, precluded review of Lenards’s liability-related claims. A special concurrence stated that the unavoidable-accident jury instruction was improper but agreed that the judgment should be affirmed because the general verdict prevented determining the basis of the jury’s decision.

CASE DETAILS

COURT	Supreme Court of South Dakota
WRITING FOR THE COURT	Zinter, Justice; Gilbertson, Chief Justice; Severson, Justice; Wilbur, Justice; Kern, Justice
JURISDICTION	South Dakota
DECIDED	June 17, 2015
DOCKET	#27191
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff appealed the denial of her motion for a new trial after a jury returned a general verdict for the defendant in a negligence action arising from a motor-vehicle collision.
STANDARD OF REVIEW	Denial of a motion for a new trial is reviewed for abuse of discretion. A jury verdict is upheld if it can be explained with reference to the evidence viewed in the light most favorable to the verdict, and it is set aside only in extreme cases involving passion, prejudice, or a palpable mistake of law.
PRECEDENTIAL VALUE	Published South Dakota Supreme Court opinion; precedential.
PARTIES	Jill Lenards v. John DeBoer

TOPICS

negligence

personal injury

jury instructions

appellate procedure

standard of review

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the evidence was insufficient to support the jury's general verdict for DeBoer.
2. Whether the circuit court erred by instructing the jury that it could find the collision an unavoidable accident.
3. Whether Lenards was entitled to a directed verdict on liability.

HOLDINGS

1. The causation and amount of Lenards's claimed pain-and-suffering damages were disputed factual questions for the jury because the evidence could support a finding that her lower-back and leg symptoms were not caused by the collision.
2. When a general verdict could have been based on either a proper or an improper theory, the reviewing court assumes that the jury decided the case on the proper theory; where damages are disputed, the general verdict precludes review of liability issues.

KEY QUOTATIONS

"This Court should only set a jury's verdict aside in 'extreme cases' where the jury has acted under passion or prejudice or where 'the jury has palpably mistaken the rules of law.'" (§ 10)

"Because a general verdict form was used, 'we have no way of knowing whether the jury' based its decision on the issue of liability or damages." (§ 14)

"We therefore affirm without reaching Lenards' liability issues." (§ 15)

"Sunlight reflecting on a clear summer's day is a condition known to drivers or, at the very least, a condition of which a reasonably prudent driver should be aware." (§ 19)

FACTUAL BACKGROUND

DeBoer rear-ended Lenards's vehicle while she was stopped and waiting to turn left. DeBoer pleaded guilty to careless driving but testified that sunlight reflecting from Lenards's rear window temporarily blinded him and that the collision was unavoidable. Lenards initially reported little or no injury, did not report lower-back pain until more than three weeks after the accident, and had no objective findings of spinal injury. She limited her claim to pain and suffering involving her lower back and leg, while defense medical evidence attributed continuing symptoms to non-accident-related conditions including arthritis, obesity, and macromastia.

PROCEDURAL HISTORY

Lenards sued DeBoer for pain-and-suffering damages allegedly caused by the collision. The circuit court denied Lenards's motion for a directed verdict on liability, instructed the jury on unavoidable accident over her objection, and submitted the case on a general verdict. The jury found for DeBoer, the circuit court denied

Lenards's motion for a new trial, and the South Dakota Supreme Court affirmed without reaching the asserted liability errors.

DISPOSITION

affirmed

CASES CITED

- Hewitt v. Felderman, 2013 S.D. 91, ¶ 14, 841 N.W.2d 258, 262
- Alvine Family Ltd. P'ship v. Hagemann, 2010 S.D. 28, ¶ 18, 780 N.W.2d 507, 512
- Roth v. Farner-Bocken Co., 2003 S.D. 80, ¶ 10, 667 N.W.2d 651, 659
- Zahn v. Musick, 2000 S.D. 26, ¶ 31, 605 N.W.2d 823, 830
- Morrison v. Mineral Palace, 1998 S.D. 33, ¶ 11, 576 N.W.2d 869, 872
- Waldner v. Berglund, 2008 S.D. 75, ¶ 14, 754 N.W.2d 832, 836
- Itzen v. Wilsey, 440 N.W.2d 312, 313 (S.D. 1989)
- Bakker v. Irvine, 519 N.W.2d 41, 48 (S.D. 1994)
- Thomas v. Sully Cnty., 2001 S.D. 73, ¶ 7, 629 N.W.2d 590, 592
- Eberle v. Siouxland Packing Co., Inc., 266 N.W.2d 256, 258 (S.D. 1978)
- Meyer v. Johnson, 254 N.W.2d 107, 110 (S.D. 1977)
- Cordell v. Scott, 79 S.D. 316, 322-23, 111 N.W.2d 594, 598 (1961)
- Alley v. Siepman, 87 S.D. 670, 677-78, 214 N.W.2d 7, 11 (1974)
- Howard v. Sanborn, 483 N.W.2d 796, 799 (S.D. 1992)
- Pleinis v. Wilson Storage & Transfer Co., 75 S.D. 397, 400, 66 N.W.2d 68, 71 (1954)
- Butigan v. Yellow Cab Co., 320 P.2d 500, 505 (Cal. 1958)
- Hancock-Underwood v. Knight, 670 S.E.2d 720, 723 (Va. 2009)
- Boyd v. Alguire, 82 S.D. 684, 693, 153 N.W.2d 192, 197 (1967)
- Carpenter v. City of Belle Fourche, 2000 S.D. 55, ¶ 32, 609 N.W.2d 751, 764
- Del Vecchio v. Lund, 293 N.W.2d 474, 476 (S.D. 1980)
- Plucker v. Kappler, 311 N.W.2d 924, 925 (S.D. 1981)
- Hoffman v. Royer, 359 N.W.2d 387, 389 (S.D. 1984)
- Stevens v. Wood Sawmill, Inc., 426 N.W.2d 13, 17 (S.D. 1988)
- Artz v. Meyer, 1999 S.D. 156, ¶ 17, 603 N.W.2d 532, 536
- Herman v. Spiegler, 82 S.D. 339, 343-44, 145 N.W.2d 916, 918 (1966)