

SUPREME COURT OF GEORGIA

Columbus Regional Healthcare System v. Henderson, 282 Ga. 598

652 S.E.2d 522 (2007) · No. No. S07A1082 · Decided October 29, 2007

SUMMARY

The Supreme Court of Georgia held that a jury's finding that no damages should be awarded on a wrongful-death claim was not an award of inadequate damages subject to additur under OCGA § 51-12-12(b). The court reversed and remanded, explaining that the trial court could address an inconsistent or contradictory verdict through its traditional new-trial powers but could not use additur to substitute its own damages determination.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Sears, Chief Justice
JURISDICTION	Georgia
DECIDED	October 29, 2007
DOCKET	No. S07A1082
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Supreme Court of Georgia granted certiorari and the appellant's application for appeal to review the trial court's grant of additur under OCGA § 51-12-12(b) after a jury returned a verdict awarding damages on some claims but finding that no damages should be awarded on the wrongful death claim.
STANDARD OF REVIEW	The Supreme Court reviewed whether the trial court was authorized under OCGA § 51-12-12(b) to apply additur to the jury's verdict.
PRECEDENTIAL VALUE	Published Georgia Supreme Court opinion; precedential.
PARTIES	Columbus Regional Healthcare System v. Sadie Henderson, Willie Preston

TOPICS

- remedies
- damages
- civil procedure
- statutory interpretation
- wrongful death

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether a jury's finding that no damages should be awarded on one claim constitutes an award of inadequate damages that permits a trial court to apply additur under OCGA § 51-12-12(b).

HOLDINGS

1. A jury's finding that no damages should be awarded on one claim is not a verdict reflecting inadequate damages for purposes of OCGA § 51-12-12(b). Although such a verdict may be inconsistent or contradictory and may support the trial court's traditional power to grant a new trial on liability and damages, the trial court may not use additur to substitute its own damages determination for the jury's finding that no amount should be recovered.

KEY QUOTATIONS

“Accordingly, in the present case, we conclude that the trial court erred in relying on § 51-12-12 to add to the verdict, and we thus remand the case to the trial court for proceedings consistent with this opinion.” (652 S.E.2d 525)

FACTUAL BACKGROUND

Celeste Henderson, fifteen months old, died following surgery for a cerebral hemorrhage. Her parents and her estate alleged that Columbus Regional and its employed pediatrician failed to diagnose and treat Factor XIII deficiency, causing her death. The jury awarded \$100,000 for Celeste's pain and suffering and the full amount of medical expenses, but on the wrongful death claim checked that no damages should be awarded. The trial court viewed the verdict as inconsistent and used additur to award \$1,000,000 on the wrongful death claim.

PROCEDURAL HISTORY

The appellees sued Columbus Regional Healthcare System and Dr. Willis Privott for alleged medical malpractice relating to the diagnosis and treatment of Celeste Henderson. The jury awarded damages for Celeste's pain and suffering and medical expenses but found that no damages should be awarded on the wrongful death claim. The trial court granted the appellees' motion for additur and determined that \$1,000,000 was appropriate for the wrongful death claim. The Court of Appeals denied Columbus Regional's application for interlocutory appeal, and the Supreme Court of Georgia granted review.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded to the trial court for proceedings consistent with the opinion.

CASES CITED

- Lisle v. Willis, 265 Ga. 861, 463 S.E.2d 108 (1995)
- Dimick v. Schiedt, 293 U.S. 474, 55 S. Ct. 296, 79 L. Ed. 603 (1935)
- Delta Airlines v. Townsend, 279 Ga. 511, 614 S.E.2d 745 (2005)
- Stanfield v. Glynn County, 280 Ga. 785, 631 S.E.2d 374 (2006)
- Bunch v. Mathieson Drive Apts., 220 Ga. App. 855, 470 S.E.2d 895 (1996)
- Moore v. TCI Cablevision, 235 Ga. App. 796, 510 S.E.2d 96 (1998)

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