

SUPREME COURT OF LOUISIANA

John Lam v. State Farm Mutual Automobile Insurance Company

946 So. 2d 133 (La. 2006) · No. 2005-C-1139 · Decided November 29, 2006

SUMMARY

The Louisiana Supreme Court reversed in part and affirmed in part a court of appeal decision arising from a motor-vehicle accident that left a child paraplegic. The court held that any error in admitting a model ignition system without a Daubert hearing affected causation evidence but did not taint the jury's finding that Lakeside Toyota was not negligent, which was subject to manifest-error review. The court also upheld the reversal of fault assigned to the child's father based on Louisiana's statutory prohibition against treating failure to use a child safety seat as comparative negligence and reallocated that fault among the other parties.

CASE DETAILS

COURT	Supreme Court of Louisiana
WRITING FOR THE COURT	Traylor, Justice
JURISDICTION	Louisiana
DECIDED	November 29, 2006
DOCKET	2005-C-1139
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Lakeside Toyota sought review by writ of certiorari of the court of appeal's partial reversal of a jury verdict in a tort action arising from a vehicle collision. The Supreme Court reviewed whether the court of appeal properly conducted de novo review and whether it correctly reversed the jury's findings concerning Lakeside Toyota and Thom Lam.
STANDARD OF REVIEW	Jury factual findings ordinarily are reviewed under the manifest-error or clearly-wrong standard. When prejudicial legal error interdicts the fact-finding process and the record is complete, the appellate court may conduct a de novo review. When erroneous evidence affects only one of several jury findings, each liability finding must be separately evaluated to determine whether manifest-error review remains applicable.
PRECEDENTIAL VALUE	published precedential opinion

PARTIES

Lakeside Toyota v. John Lam, a minor, through Thom Lam as administrator of the estate of John Lam

TOPICS

standard of review

appellate procedure

expert testimony

daubert standard

negligence

PRACTICE AREAS

torts

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether the court of appeal improperly conducted a de novo review of the jury's finding that Lakeside Toyota was not negligent.
2. Whether the allegedly erroneous admission of Lakeside's model ignition system and related expert testimony affected the jury's negligence finding or only its causation finding.
3. Whether the trial court improperly instructed the jury that Thom Lam could be comparatively at fault for failing to require his child to use a child safety seat, contrary to LSA-R.S. 32:295(F).

HOLDINGS

1. The court of appeal erred by conducting de novo review of the jury's finding that Lakeside Toyota was not negligent because the challenged model and expert testimony concerned causation, not the allegedly negligent repair or maintenance conduct.
2. The court of appeal erred in reversing the jury's finding that Lakeside Toyota was not negligent.
3. Thom Lam could not be assigned comparative fault on that basis because LSA-R.S. 32:295(F) provides that failure to use a child passenger safety seat shall not be considered comparative negligence or admitted as evidence in a civil negligence action.

KEY QUOTATIONS

“Normally, a factual finding by a jury cannot be set aside unless the appellate court finds that it is manifestly erroneous or clearly wrong.” (at 135-136)

“The model ignition system, just as clearly, was evidence as to causation, and not as to the negligent act.” (at 138)

“The jury was presented with two permissible views—the Lakeside either informed Nguyen that he needed his engine cleaned and new spark plug wires or Lakeside did not so inform him—and could choose to believe either version of the evidence, based on their belief as to the credibility of the witnesses.” (at 141)

FACTUAL BACKGROUND

On January 31, 1995, a Nissan Maxima carrying the Lam family was traveling behind a Toyota Supra that lost power on the elevated Westbank Expressway. A Ford pickup driven by Thomas Perino struck the Lam vehicle,

pushing it into the Toyota; two-year-old John Lam became paraplegic. The Lams alleged that Lakeside Toyota had negligently repaired the Toyota more than a year earlier by failing to remove oil from the spark-plug galley, causing a later loss of engine power. At trial, Lakeside introduced a model ignition system and expert testimony concerning the model, while the parties presented conflicting testimony about whether Lakeside had recommended replacement of spark-plug wires and additional cleaning.

PROCEDURAL HISTORY

The jury assigned fault to Thomas Perino, Hue Lam, Billy Nguyen, and Thom Lam, found Lakeside Toyota without fault, and awarded \$7,103,235. The court of appeal reversed the assignments of fault as to Thom Lam and Lakeside, conducting a de novo review after finding legal error in the jury instructions and in the admission of Lakeside's model ignition system and related expert testimony. The Supreme Court granted Lakeside's writ application, reinstated the jury's finding that Lakeside was not negligent, and upheld the reversal of the fault assigned to Thom Lam.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The opinion states that the ruling of the court of appeal was reversed in part and affirmed in part. It reinstated the jury's finding that Lakeside Toyota was not negligent, upheld the reversal of Thom Lam's assigned fault, and directed that Thom Lam's 17.5 percent allocation be reallocated as 8.5 percent to Billy Nguyen, 5.3 percent to Thomas Perino, and 3.7 percent to Hue Nguyen Lam. No separate remand instruction is stated.

CASES CITED

- Stobart v. State through Department of Transportation and Development, 617 So. 2d 880, 882 (La. 1993)
- Evans v. Lungrin, 708 So. 2d 731, 735 (La. 1998)
- Picou v. Ferrara, 483 So. 2d 915, 918 (La.)
- Rosell v. ESCO, 549 So. 2d 840, 844-45 (La. 1989)
- Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579, 113 S. Ct. 2786, 125 L. Ed. 2d 469 (1993)
- Lasha v. Olin Corp., 625 So. 2d 1002, 1006 (La. 1993)
- State v. Foret, 628 So. 2d 1116, 1121 (La. 1993)
- Dinett v. Lakeside Hospital, 811 So. 2d 116, 119 (La. App. 4 Cir. 2002)
- Keener v. Mid-Continent Casualty, 817 So. 2d 347, 354-355 (La. App. 5 Cir. 2002)
- State v. Chauvin, 846 So. 2d 697 (La. 2003)
- State v. Castleberry, 758 So. 2d 749, 776 (La. 1999)
- Ambrose v. New Orleans Police Department Ambulance Service, 639 So. 2d 216, 221 (La. 1994)
- Gonzales v. Xerox Corp., 320 So. 2d 163 (La. 1975)

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