

SUPREME COURT OF ALABAMA

William D. Hicks and Donna Hicks v. Charles Ray Dunn, Jr.

819 So. 2d 22 (Ala. 2001) · No. 1001014 · Decided October 12, 2001

SUMMARY

The Supreme Court of Alabama held that sufficient evidence supported submitting the plaintiffs' wantonness claim to the jury. The evidence included potentially excessive speed, failure to pay attention, construction warnings, and knowledge of a restaurant entrance that could involve turning traffic. The court reversed the judgment as a matter of law and remanded with instructions to grant the plaintiffs a new trial.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Lyons, Justice; Moore, C.J.; Houston, J.; Johnstone, J.; Lyons, J.; Woodall, J.
JURISDICTION	Alabama
DECIDED	October 12, 2001
DOCKET	1001014
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Plaintiffs prevailed on negligence at trial but appealed after the trial court entered a judgment as a matter of law for the defendant on their wantonness claim and denied their postjudgment motion for a new trial.
STANDARD OF REVIEW	The appellate court applies the same standard as the trial court when reviewing a judgment as a matter of law: viewing the evidence in the light most favorable to the nonmovant and determining whether the party bearing the burden of proof presented sufficient evidence to require a jury determination.
PRECEDENTIAL VALUE	Published Alabama Supreme Court opinion; precedential.
PARTIES	William D. Hicks, Donna Hicks v. Charles Ray Dunn, Jr.

TOPICS

- negligence
- punitive damages
- motion for directed verdict
- standard of review
- appellate procedure

PRACTICE AREAS

Torts

Civil procedure

Appellate procedure

Remedies

QUESTIONS PRESENTED

1. Whether the trial court erred by granting Dunn a judgment as a matter of law on the Hickses' wantonness claim.
2. Whether the evidence, viewed in the light most favorable to the Hickses, was sufficient to submit wantonness to the jury.

HOLDINGS

1. The trial court erred in taking the wantonness claim from the jury because the evidence was sufficient for the jury to find that Dunn acted with reckless or conscious disregard of the rights or safety of others.
2. When reviewing a judgment as a matter of law, an appellate court reviews the evidence in the light most favorable to the nonmovant and determines whether the party with the burden of proof produced sufficient evidence to require a jury determination.

KEY QUOTATIONS

"'Wantonness' is statutorily defined as '[c]onduct which is carried on with a reckless or conscious disregard of the rights or safety of others.'" (819 So. 2d at 23)

"Therefore, the Hickses' wantonness claim should have been presented to the jury." (819 So. 2d at 25)

FACTUAL BACKGROUND

The Hickses were stopped or waiting for traffic to clear while Mrs. Hicks prepared to turn left into a restaurant on Highway 195 in Walker County. Dunn crested a hill and encountered their vehicle approximately 100 feet or less ahead; evidence indicated that he may have been traveling above the 40-mile-per-hour speed limit, was not paying close attention, and failed to see the Hickses' turn signal and brake lights. Construction signs were posted near the restaurant, which Dunn knew was frequented at lunchtime, and his truck struck the Hickses' vehicle from behind, causing substantial property damage and serious disc injuries requiring surgery for both plaintiffs.

PROCEDURAL HISTORY

William and Donna Hicks sued Dunn for negligently and wantonly causing an automobile collision. The trial court granted Dunn's motion for a judgment as a matter of law on the wantonness claim. A jury found Dunn negligent and awarded compensatory damages, after which the trial court entered judgment on the verdict and denied the Hickses' motion for a new trial. The Supreme Court of Alabama reversed and remanded with instructions to grant a new trial.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court was instructed to grant the Hickses' motion for a new trial.

CASES CITED

- Acceptance Insurance Co. v. Brown, Ms. 1991938, June 29, 2001, ___ So. 2d ___ (Ala. 2001)
- American National Fire Insurance Co. v. Hughes, 624 So. 2d 1362 (Ala. 1993)
- Jim Walter Homes, Inc. v. Kendrick, 810 So. 2d 645 (Ala. 2001)
- Alfa Mutual Insurance Co. v. Roush, 723 So. 2d 1250 (Ala. 1998)
- Bozeman v. Central Bank of the South, 646 So. 2d 601 (Ala. 1994)
- Scott v. Villegas, 723 So. 2d 642 (Ala. 1998)
- Newman v. Bankers Fidelity Life Insurance Co., 628 So. 2d 439 (Ala. 1993)
- Hamme v. CSX Transportation, Inc., 621 So. 2d 281 (Ala. 1993)
- Knowles v. Poppell, 545 So. 2d 40 (Ala. 1989)
- Smith v. Cullen, 270 Ala. 92, 116 So. 2d 582 (1959)
- Hamer v. Nelson, 516 So. 2d 1381 (Ala. 1987)
- Sellers v. Sexton, 576 So. 2d 172 (Ala. 1991)
- Ex parte Vincent, 770 So. 2d 92 (Ala. 2000)
- Ex parte Weyerhaeuser Co., 702 So. 2d 1227 (Ala. 1997)
- DeBardeleben v. Tynes, 290 Ala. 263, 276 So. 2d 126 (1973)
- Beatty v. McMillan, 226 Ala. 405, 147 So. 180 (1933)
- Thompson v. White, 274 Ala. 413, 149 So. 2d 797 (1963)