

SUPREME COURT OF MINNESOTA

Rowe v. Munye

702 N.W.2d 729 (Minn. 2005) · No. No. A03-465 · Decided August 18, 2005

SUMMARY

The Minnesota Supreme Court held that CIVJIG 91.40 improperly shifts the burden of apportioning damages from a plaintiff to a single defendant in a case involving aggravation of a preexisting injury. The court distinguished cases involving multiple jointly and severally liable tortfeasors and affirmed the remand for a new trial limited to damages.

CASE DETAILS

COURT	Supreme Court of Minnesota
WRITING FOR THE COURT	Paul H. Anderson, Justice; Russell A. Anderson, Justice; Blatz, Chief Justice; Meyer, Justice; Page, Justice
JURISDICTION	Minnesota
DECIDED	August 18, 2005
DOCKET	No. A03-465
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff appealed from a decision of the Minnesota Court of Appeals reversing a district-court judgment and remanding for a new trial on damages.
STANDARD OF REVIEW	A district court's jury-instruction ruling is reviewed for abuse of discretion. An instruction that materially misstates the law is erroneous. Whether instructional error was prejudicial is assessed from the total impact of the instructions viewed as a whole; if the effect cannot be determined, a new trial is warranted.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Cheryl Rowe v. Mohamed Munye

TOPICS

- jury instructions
- negligence
- personal injury
- damages
- standard jury instructions

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether CIVJIG 91.40 materially misstated Minnesota law by shifting to a single defendant the burden of apportioning damages between accident-related injuries and a plaintiff's preexisting condition.
2. Whether giving CIVJIG 91.40 was prejudicial instructional error requiring a new trial on damages.
3. Whether the court should extend the burden-shifting rule applicable to multiple joint tortfeasors causing a single indivisible injury to a single-defendant aggravation-of-preexisting-injury case.

HOLDINGS

1. CIVJIG 91.40, as written, misstates Minnesota law because it shifts the burden of apportioning damages to a single defendant when the plaintiff alleges aggravation of a preexisting injury or condition. The plaintiff retains the burden to prove the nature, extent, duration, and consequences of the injury caused by the defendant, including the additional injury above the consequences that would have resulted from the preexisting condition.
2. The eggshell-plaintiff doctrine does not shift the burden of proving apportionment to a single defendant in an aggravation-of-preexisting-injury case. It makes a defendant liable for all harm legally caused by the defendant's negligence even when the plaintiff's susceptibility makes the consequences more serious, but the plaintiff must still prove the nature and probable duration of the injuries.
3. The erroneous use of CIVJIG 91.40 was prejudicial because the court could not determine whether the jury apportioned damages or instead relied on the instruction's burden-shifting sentence. Munye was therefore entitled to a new trial on damages.

KEY QUOTATIONS

“The defendant should be responsible only for the injuries that are legally caused by the defendant's negligence. CIVJIG 91.40 goes too far by making the defendant responsible for injuries that he did not cause.” (at 742)

“We therefore hold that the district court erred in giving CIVJIG 91.40 to the jury and that CIVJIG 91.40, as presently written, misstates Minnesota law on the defendant's burden of proof in a case involving one defendant and aggravation of the plaintiff's preexisting injury or condition.” (at 743)

“We therefore hold that because we cannot determine the total effect of CIVJIG 91.40 based on the information before this court, Munye is entitled to a new trial on damages.” (at 743)

FACTUAL BACKGROUND

Munye rear-ended Rowe's vehicle on November 21, 1999. Rowe had a history of chronic neck and back discomfort, chiropractic treatment, and degenerative joint disease, but testified that she had been feeling better immediately before the accident. Medical experts disagreed about whether the accident caused permanent injuries or merely temporarily aggravated preexisting conditions. Munye conceded complete liability, so the jury decided only the amount of damages.

PROCEDURAL HISTORY

After a rear-end automobile accident, Rowe sued Munye for negligence and sought damages for injuries that allegedly aggravated preexisting conditions. Munye conceded complete liability, leaving damages as the only issue for trial. The district court instructed the jury using CIVJIG 91.40 and entered judgment after the jury awarded Rowe \$24,500. The district court denied Munye's motion for a new trial. The court of appeals reversed and remanded for a new trial on damages, and the Minnesota Supreme Court affirmed.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The court affirmed the court of appeals' remand for a new trial limited to damages.

CASES CITED

- Rowe v. Munye, 674 N.W.2d 761 (Minn. Ct. App. 2004)
- Blatz v. Allina Health Sys., 622 N.W.2d 376 (Minn. Ct. App. 2001)
- Hilligoss v. Cargill, Inc., 649 N.W.2d 142 (Minn. 2002)
- Morlock v. St. Paul Guardian Ins. Co., 650 N.W.2d 154 (Minn. 2002)
- State v. Kuhnau, 622 N.W.2d 552 (Minn. 2001)
- Canada by Landy v. McCarthy, 567 N.W.2d 496 (Minn. 1997)
- Nelson v. Twin City Motor Bus Co., 239 Minn. 276, 58 N.W.2d 561 (1953)
- Schore v. Mueller, 290 Minn. 186, 186 N.W.2d 699 (1971)
- Leubner v. Sterner, 493 N.W.2d 119 (Minn. 1992)
- Mathews v. Mills, 288 Minn. 16, 178 N.W.2d 841 (1970)
- Lewis v. Equitable Life Assurance Soc'y of the U.S., 389 N.W.2d 876 (Minn. 1986)
- Kroning v. State Farm Auto. Ins. Co., 567 N.W.2d 42 (Minn. 1997)
- Dan B. Dobbs, The Law of Torts § 170, at 412-14 (2000)
- Mayer v. N. Arundel Hosp. Ass'n, 145 Md. App. 235, 802 A.2d 483 (2002)
- Ross v. Great N. Ry. Co., 101 Minn. 122, 111 N.W. 951 (1907)
- Waits v. United Fire & Cas. Co., 572 N.W.2d 565 (Iowa 1997)
- Foggia v. Des Moines Bowl-O-Mat, Inc., 543 N.W.2d 889 (Iowa 1996)
- Montalvo v. Lapez, 77 Haw. 282, 884 P.2d 345 (1994)
- Wolbers v. Finley Hosp., 673 N.W.2d 728 (Iowa 2003)
- Dellwo v. Pearson, 259 Minn. 452, 107 N.W.2d 859 (1961)
- Christianson v. Chicago, St. Paul, Minneapolis & Omaha Ry. Co., 67 Minn. 94, 69 N.W. 640 (1896)
- Purcell v. St. Paul City Ry. Co., 48 Minn. 134, 50 N.W. 1034 (1892)
- Newbury v. Vogel, 151 Colo. 520, 379 P.2d 811 (1963)

- LaMoureaux v. Totem Ocean Trailer Express, Inc., 632 P.2d 539 (Alaska 1981)
- Maser v. Fioretti, 498 So. 2d 568 (Fla. Dist. Ct. App. 1986)
- Bushong v. Kamiah Grain, Inc., 96 Idaho 659, 534 P.2d 1099 (1975)
- Lovely v. Allstate Ins. Co., 658 A.2d 1091 (Me. 1995)
- McNabb v. Green Real Estate Co., 62 Mich. App. 500, 233 N.W.2d 811 (1975)
- Brake v. Speed, 605 So. 2d 28 (Miss. 1992)
- David v. DeLeon, 250 Neb. 109, 547 N.W.2d 726 (1996)
- Kleitz v. Raskin, 103 Nev. 325, 738 P.2d 508 (1987)
- Pang v. Minch, 53 Ohio St. 3d 186, 559 N.E.2d 1313 (1990)
- Haws v. Bullock, 592 S.W.2d 588 (Tenn. Ct. App. 1979)
- Tingey v. Christensen, 987 P.2d 588 (Utah 1999)
- Phennah v. Whalen, 28 Wash. App. 19, 621 P.2d 1304 (1980)
- Bigley v. Craven, 769 P.2d 892 (Wyo. 1989)
- Card v. State, 57 Conn. App. 134, 747 A.2d 32 (2000)
- Fosgate v. Corona, 66 N.J. 268, 330 A.2d 355 (1974)