

SUPREME COURT OF PENNSYLVANIA

Paves v. Corson, 569 Pa. 171

801 A.2d 546 (Pa. 2002) · Decided July 17, 2002

SUMMARY

The Pennsylvania Supreme Court held that the Superior Court erred in ordering a new trial on compensatory damages after vacating the battery and intentional infliction of emotional distress awards. Because the jury separately allocated compensatory damages for each surviving claim, the compensatory awards could be preserved, while a new trial was limited to punitive damages. Justice Eakin dissented, concluding that prejudicial evidence related to the vacated claims may have tainted the damages awarded on the remaining claims.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Justice Nigro; Zappala, C.J.; Cappy, J.; Castille, J.; Nigro, J.; Newman, J.; Saylor, J.; Eakin, J.
JURISDICTION	Pennsylvania
DECIDED	July 17, 2002
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Paves appealed from the Superior Court's order vacating the jury's verdicts on battery and intentional infliction of emotional distress and remanding for a new trial on compensatory and punitive damages on the surviving claims. The Supreme Court granted allocatur on whether compensatory damages also required reassessment.
STANDARD OF REVIEW	A compensatory damage award should not be disturbed unless it clearly resulted from caprice, prejudice, partiality, corruption, or another improper influence; the court also considers whether the award bears a reasonable relation to the loss shown by uncontroverted trial evidence.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Sidonie Paves v. Barry Corson, M.D., Carol Corson

TOPICS

- appellate procedure
- compensatory damages
- punitive damages
- conversion
- evidence

PRACTICE AREAS

appellate procedure

torts

damages

remedies

evidence

QUESTIONS PRESENTED

1. Whether the Superior Court erred in remanding for a new trial on compensatory damages when the jury had separately allocated compensatory damages by claim and defendant.
2. Whether evidence admitted in connection with the vacated battery and intentional-infliction claims required reassessment of compensatory damages on the surviving conversion and fiduciary-duty-related claims.

HOLDINGS

1. A new trial on compensatory damages was not warranted because the jury separately itemized the compensatory damages attributable to each cause of action and defendant, allowing the surviving damages to be identified without speculation.
2. The evidence concerning physical and emotional abuse did not require a new trial on compensatory damages absent evidence that the jury's separately allocated award resulted from improper influence, particularly where the jury was instructed to distinguish and avoid overlapping damages.

KEY QUOTATIONS

“The duty of assessing damages is within the province of the jury” (548)

“the jury in the instant case, unlike the juries in Smith and Shiner, issued a verdict that specifically enumerated the damages for each cause of action against each of the two defendants.” (549)

“As the law presumes that the jury follows the court's instructions, Commonwealth v. Baker, 531 Pa. 541, 614 A.2d 663, 672 (1992), and there is no evidence that the jury here did otherwise, we must conclude that the damages it awarded for the breach of duty and conversion claims were only those that it could ascertain with a "mathematical certainty"” (550)

FACTUAL BACKGROUND

Paves, who had been estranged from her children for approximately twenty years, traveled from Florida to Pennsylvania in an effort to renew their relationship. Her son arranged for her hospitalization, prescribed medications, obtained a power of attorney, and allegedly used it to spend approximately \$600,000 of her money; Paves also alleged that both children sold her property and kept the proceeds. After confronting them in 1991, Paves was ejected from her daughter's home and sued, ultimately obtaining a jury verdict with separately allocated damages for each claim.

PROCEDURAL HISTORY

A jury found for Paves on claims including conversion, breach of fiduciary duty, breach of a confidential relationship, battery, and intentional infliction of emotional distress, awarding separately itemized compensatory damages and punitive damages. The trial court denied post-trial motions. The Superior Court vacated the battery

and emotional-distress awards and ordered a new trial on compensatory and punitive damages for the surviving claims. The Supreme Court reversed insofar as the Superior Court ordered a new trial on compensatory damages and limited the remand to punitive damages on the surviving claims.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The remand is limited to a new trial assessing punitive damages on the surviving claims: conversion, breach of confidential relationship, and breach of fiduciary duty. No new trial on compensatory damages is required.

CASES CITED

- Paves v. Corson, 765 A.2d 1128 (Pa. Super. 2001)
- Gradel v. Inouye, 491 Pa. 534, 421 A.2d 674 (1980)
- Tonik v. Apex Garages, Inc., 442 Pa. 373, 275 A.2d 296 (1971)
- Neison v. Hines, 539 Pa. 516, 653 A.2d 634 (1995)
- Shiner v. Moriarty, 706 A.2d 1228 (Pa. Super. 1998)
- Smith v. Renaut, 387 Pa. Super. 299, 564 A.2d 188 (1989)
- Commonwealth v. Baker, 531 Pa. 541, 614 A.2d 663 (1992)
- Gallo v. Yamaha Motor Corp., 363 Pa. Super. 308, 526 A.2d 359, 366 (1987)

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