

ALASKA SUPREME COURT

Pralle v. Milwicz

324 P.3d 286 (Alaska 2014) · No. S-14881 · Decided May 9, 2014

SUMMARY

The Alaska Supreme Court affirmed a judgment for Jessica Milwicz in a personal-injury action arising from a rear-end collision. The court held that sufficient evidence supported the jury’s finding that Milwicz’s negligence was not a substantial factor in causing Justin Pralle’s injuries, and that the superior court did not abuse its discretion in ruling on juror challenges or expert testimony. The court also declined to address a claimed jury-instruction error because the record showed that the instruction had been given.

CASE DETAILS

COURT	Alaska Supreme Court
WRITING FOR THE COURT	Maassen; Fabe; Stowers; Bolger
JURISDICTION	Alaska
DECIDED	May 9, 2014
DOCKET	S-14881
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from judgment after jury trial in favor of defendant in personal injury negligence action.
STANDARD OF REVIEW	For sufficiency of the evidence: whether the verdict is contrary to the clear weight of the evidence or a miscarriage of justice. For challenges for cause and expert testimony rulings: abuse of discretion.
PRECEDENTIAL VALUE	binding
PARTIES	Justin Pralle v. Jessica Milwicz

TOPICS

- personal injury
- proximate cause
- standard of review
- expert testimony
- civil procedure

PRACTICE AREAS

- tort law
- personal injury
- evidence
- civil procedure

QUESTIONS PRESENTED

1. Whether the jury verdict was supported by sufficient evidence.
2. Whether the superior court abused its discretion in denying challenges for cause of two jurors.
3. Whether the superior court abused its discretion in restricting the expert testimony of Dr. Lucas and admitting the expert testimony of Dr. Ballard.

HOLDINGS

1. The evidence was sufficient to support the jury's finding that defendant's negligence was not the cause of plaintiff's injuries.
2. The superior court did not abuse its discretion in denying the challenges for cause, because the jurors provided good faith statements that they could set aside their biases and be fair.
3. The superior court did not abuse its discretion in its rulings on expert testimony.

KEY QUOTATIONS

"We will not disturb a jury's verdict unless the evidence . . . is so clearly to the contrary that reasonable persons could not differ in their judgment." (at 290)

"Dr. Ballard testified it was also possible to conclude that 'with this amount of impact there would have been no injury and his symptoms could have been from all the preexisting problems.'" (at 291)

"All that is required of a prospective juror is a good faith statement that he or she will be fair, impartial and follow instructions." (at 295)

FACTUAL BACKGROUND

In June 2009, Jessica Milwicz negligently rear-ended Justin Pralle's vehicle while he was stopped at an intersection. Pralle complained of neck and upper back injuries, but over subsequent months reported complaints in other areas. Pralle had been in two prior accidents (2004, 2005) causing back and neck injuries treated by his chiropractor, Dr. Lucas. After the 2009 accident, Dr. Lucas continued treating Pralle. Milwicz admitted negligence but disputed causation. Dr. Ballard, an independent medical evaluator, minimized injury from the accident, attributing complaints to prior conditions. Dr. Lucas testified as a hybrid expert. The jury found Milwicz's negligence was not a substantial factor in causing injury.

PROCEDURAL HISTORY

Plaintiff sued defendant for personal injuries after a rear-end collision. Defendant admitted negligence but disputed causation. Jury found defendant's negligence was not a substantial factor in causing plaintiff's injuries and returned verdict for defendant. Superior court entered judgment for defendant and awarded attorney's fees and costs. Plaintiff appealed, challenging sufficiency of the evidence, jury instruction on concurrent cause, denial of challenges for cause for two jurors, and rulings on expert testimony.

DISPOSITION

affirmed

CASES CITED

- Heynen v. Fairbanks, 293 P.3d 470 (Alaska 2013)
- Bolden v. City of Kodiak, 439 P.2d 796 (Alaska 1968)
- Alaska Democratic Party v. Rice, 934 P.2d 1313 (Alaska 1997)
- Sirotiak v. H.C. Price Co., 758 P.2d 1271 (Alaska 1988)
- Thompson v. Cooper, 290 P.3d 393 (Alaska 2012)
- Jackson v. Am. Equity Ins. Co., 90 P.3d 136 (Alaska 2004)
- Kimble v. State, 539 P.2d 73 (Alaska 1975)
- West v. State, 409 P.2d 847 (Alaska 1966)
- Cent. Bering Sea Fishermen's Ass'n v. Anderson, 54 P.3d 271 (Alaska 2002)
- Richey v. Oen, 824 P.2d 1371 (Alaska 1992)
- Beck v. State, Dep't of Transp. & Pub. Facilities, 837 P.2d 105 (Alaska 1992)
- Mitchell v. Knight, 394 P.2d 892 (Alaska 1964)
- Marron v. Stromstad, 123 P.3d 992 (Alaska 2005)
- Miller v. Phillips, 959 P.2d 1247 (Alaska 1998)
- Adamson v. Univ. of Alaska, 819 P.2d 886 (Alaska 1991)
- Segars v. Atl. Coast Line R.R. Co., 286 F.2d 767 (4th Cir. 1961)