

SUPREME COURT OF ILLINOIS

Peach v. McGovern

2019 IL 123156 (Ill. 2019) · No. 123156 · Decided September 4, 2019

SUMMARY

The Illinois Supreme Court reversed the appellate court and affirmed the circuit court’s judgment for the defendant in a personal-injury action arising from a rear-end collision. The court held that postaccident photographs of vehicle damage may be relevant and admissible without expert testimony when the jury can relate the depicted damage to the claimed injuries, subject to the trial court’s evidentiary discretion. The court also rejected the appellate court’s conclusion that the jury’s defense verdict was against the manifest weight of the evidence.

CASE DETAILS

COURT	Supreme Court of Illinois
WRITING FOR THE COURT	Justice Neville; Chief Justice Karmeier; Justice Thomas; Justice Kilbride; Justice Garman; Justice Burke; Justice Theis
JURISDICTION	Illinois
DECIDED	September 4, 2019
DOCKET	123156
DISPOSITION	reversed
PROCEDURAL POSTURE	Defendant appealed from the appellate court's reversal of a circuit court judgment entered on a jury verdict for defendant in an automobile-negligence action. The Illinois Supreme Court allowed defendant's petition for leave to appeal.
STANDARD OF REVIEW	Admission of evidence is reviewed for abuse of discretion. A circuit court's ruling on a motion for a new trial is also reviewed for abuse of discretion. A jury verdict is against the manifest weight of the evidence only when the opposite conclusion is clearly evident or the verdict is unreasonable, arbitrary, and not based on the evidence.
PRECEDENTIAL VALUE	published, precedential Illinois Supreme Court opinion
PARTIES	Lynsey E. McGovern v. William Kevin Peach

TOPICS

evidence

relevance

negligence

standard of review

appellate procedure

PRACTICE AREAS

evidence

personal injury

automobile negligence

appellate procedure

QUESTIONS PRESENTED

1. Whether postaccident photographs of the vehicles were relevant and admissible without expert testimony connecting the depicted vehicle damage to Peach's injuries.
2. Whether the circuit court abused its discretion by denying Peach's motion for a new trial after the jury returned a verdict for McGovern on causation and damages.
3. Whether the appellate court improperly substituted its judgment for that of the jury and effectively entered judgment on causation and damages under an incorrect standard of review.

HOLDINGS

1. Postaccident vehicle photographs may be relevant and admissible without expert testimony when the trial judge determines that the jury can understand the photographs and relate the depicted vehicle damage to the alleged injury or other material issues without specialized assistance. The circuit court did not abuse its discretion by admitting the photographs.
2. The circuit court did not abuse its discretion in denying Peach's motion for a new trial. The jury could reasonably reject Peach's account and find that he failed to prove that McGovern's negligence proximately caused his claimed injuries and damages.

KEY QUOTATIONS

“whether the jury can properly relate the vehicular damage depicted in the photos to the injury without the aid of an expert” (¶ 35)

“It is the jury, not the court, which is the fact-finding body. It weighs the contradictory evidence and inferences, judges the credibility of witnesses, receives expert instructions, and draws the ultimate conclusion as to the facts.” (¶ 61)

FACTUAL BACKGROUND

Peach's stopped pickup truck was struck from behind by McGovern's vehicle at low speed. Both parties described only minor vehicle damage, and photographs showed a dented rear bumper on Peach's truck and a bent license plate and cracked front bumper on McGovern's vehicle. Peach claimed immediate and continuing neck pain, while his medical expert testified that the collision could have caused whiplash and other cervical conditions but also acknowledged that the injuries might not have been caused by this accident. The jury found for McGovern after hearing conflicting evidence about the impact, Peach's credibility, and causation.

PROCEDURAL HISTORY

Peach sued McGovern for personal injuries allegedly caused when McGovern rear-ended his vehicle. The circuit court directed a verdict for Peach on negligence but submitted causation and damages to the jury, which returned a verdict for McGovern and awarded zero damages. The circuit court denied Peach's motion for a new trial. The appellate court reversed and remanded for a new trial on damages, ruling that postaccident vehicle photographs were inadmissible without expert testimony connecting vehicle damage to Peach's injuries and that the verdict was against the manifest weight of the evidence. The Illinois Supreme Court reversed the appellate court and affirmed the circuit court.

DISPOSITION

reversed

CASES CITED

- In re Marriage of Bates, 212 Ill. 2d 489, 522 (2004)
- Dawdy v. Union Pacific R.R. Co., 207 Ill. 2d 167, 177 (2003)
- Voykin v. Estate of DeBoer, 192 Ill. 2d 49, 51, 53, 57-59 (2000)
- DiCosola v. Bowman, 342 Ill. App. 3d 530, 536-37 (2003)
- Baraniak v. Kurby, 371 Ill. App. 3d 310, 317-18 (2007)
- Ford v. Grizzle, 398 Ill. App. 3d 639, 648 (2010)
- Fronabarger v. Burns, 385 Ill. App. 3d 560, 564-65 (2008)
- Jackson v. Seib, 372 Ill. App. 3d 1061, 1070-71 (2007)
- Ferro v. Griffiths, 361 Ill. App. 3d 738, 742-43 (2005)
- McGrath v. Rohde, 53 Ill. 2d 56, 60-61 (1972)
- Hawn v. Fritcher, 301 Ill. App. 3d 248, 254-55 (1998)
- Marut v. Costello, 34 Ill. 2d 125, 128 (1965)
- Plank v. Holman, 46 Ill. 2d 465, 470-71 (1970)
- Drews v. Gobel Freight Lines, Inc., 144 Ill. 2d 84, 101 (1991)
- Jones v. Chicago HMO Ltd. of Illinois, 191 Ill. 2d 278, 294 (2000)
- Hamilton v. Hastings, 2014 IL App (4th) 131021, ¶ 35
- Redmond v. Socha, 216 Ill. 2d 622, 644-45 (2005)
- Snover v. McGraw, 172 Ill. 2d 438, 448-49 (1996)
- Melecosky v. McCarthy Brothers Co., 115 Ill. 2d 209, 216-17 (1986)
- J.L. Simmons Co. ex rel. Hartford Insurance Group v. Firestone Tire & Rubber Co., 108 Ill. 2d 106, 117 (1985)
- Pedrick v. Peoria & Eastern R.R. Co., 37 Ill. 2d 494, 504 (1967)
- Dowler v. New York, Chicago & St. Louis R.R. Co., 5 Ill. 2d 125, 130 (1955)
- Tennant v. Peoria & Pekin Union Ry. Co., 321 U.S. 29, 35 (1944)
- Italia Foods, Inc. v. Sun Tours, Inc., 2011 IL 110350, ¶ 41
- Condon v. American Telephone & Telegraph Co., 136 Ill. 2d 95, 99 (1990)

- Kayman v. Rasheed, 2015 IL App (1st) 132631, ¶¶ 64-65
- Brenman v. Demello, 921 A.2d 1110, 1120-21 (N.J. 2007)

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