

1-11-0034

2011 IL App (1st) 110034

FIFTH DIVISION  
September 30, 2011

Nos. 1-11-0034 & 1-11-0036, Consolidated

|   |   |                   |
|---|---|-------------------|
| YOLANDA ANDERSON, Individually and as Mother and<br>Next Friend of Ben Anderson IV, a Minor; ANITA<br>ANDERSON; TAMIKA ANDERSON, individually and as<br>Mother and Next Friend of Tashawana Tshia Anderson,<br>Darnell Devon Anderson, LaSharon Cerrell Anderson, and<br>Sean Darnell Anderson, Minors, | ) | Appeal from the   |
|   | ) | Circuit Court of  |
|   | ) | Cook County       |
|   | ) |                   |
|   | ) |                   |
|   | ) |                   |
|   | ) | Nos. 06 M1 304569 |
| Plaintiffs-Appellees,   | ) | 06 M1 304570      |
|   | ) | 07 M1 11311       |
| v.  | ) |                   |
|   | ) |                   |
| SEAN D. ANDERSON and FRANK A. FRATTO,   | ) | Honorable         |
|   | ) | Diane M. Shelley, |
| Defendants-Appellants.  | ) | Judge Presiding.  |

PRESIDING JUSTICE EPSTEIN delivered the judgment of the court, with opinion.  
Justices Joseph Gordon and Howse concurred in the judgment and opinion.

### OPINION

¶ 1 Defendants Sean D. Anderson and Frank A. Fratto appeal a ruling of the circuit court of Cook County granting a postjudgment motion for a new trial. Sean Anderson and Fratto contend that the trial court's ruling should be reversed because the jury's verdicts were not legally inconsistent or against the manifest weight of the evidence; thus the order granting a new trial was an abuse of the judge's discretion. Plaintiffs—Yolanda Anderson, Ben Anderson IV, Anita Anderson, Tamika Anderson, Tashawana Tshia Anderson, Darnell Devon Anderson, Lasharon Cerrell Anderson, and Sean Darnell Anderson (hereinafter collectively referred to as "passenger plaintiffs")—did not file a