

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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MICHAEL SCHOALS,

Plaintiff-Appellant,

v

STACY LYNN WATSON and CAROL ANN  
POHL,

Defendants-Appellees.

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UNPUBLISHED  
October 15, 1999

No. 209174  
Ingham Circuit Court  
LC No. 96-083139 NI

Before: Neff, P.J., and Murphy and J. B. Sullivan\*, JJ.

PER CURIAM.

Plaintiff appeals as of right from a judgment of no cause of action entered after a jury returned a unanimous verdict that defendants were not negligent. The trial court denied plaintiff's motion for a new trial on the ground that the verdict was against the great weight of the evidence. We affirm.

On April 24, 1994, plaintiff was riding a bicycle northbound on Pleasant Grove Road in Lansing. As he crossed Mary Avenue, he collided with defendant's<sup>1</sup> vehicle, which turned left onto Mary Avenue from Pleasant Grove southbound. Defendant testified that her speed was twenty-five miles an hour or less when she began the turn, that she applied her brakes and used her turn signal, but that she did not see plaintiff. Plaintiff testified that he was concerned about motorists having difficulty seeing him, so he made eye contact with another vehicle waiting on Mary Avenue to turn onto Pleasant Grove. Defendant believed that she was at fault for the accident, and the investigating police officer noted that she had failed to yield. The trial court denied plaintiff's motion for a new trial, holding that the jury could have concluded that plaintiff was difficult to see and that defendant had exercised reasonable care under the circumstances.

MCR 2.611(A)(1)(e) provides that a new trial may be granted if a verdict is against the great weight of the evidence. The trial court may grant a new trial on this basis "only if the evidence preponderates heavily against the verdict so that it would be a miscarriage of justice to allow the verdict to stand." *People v Gadomski*, 232 Mich App 24, 28; 592 NW2d 75 (1998).

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\* Former Court of Appeals judge, sitting on the Court of Appeals by assignment.

We review the trial court's decision for an abuse of discretion. *Id.*; *Bordeaux v Celotex Corp*, 203 Mich App 158, 170; 511 NW2d 899 (1993). We therefore give substantial deference to the court's determination that the verdict was not against the great weight of the evidence. *Watkins v Manchester*, 220 Mich App 337, 340; 559 NW2d 81 (1996).

Upon review of the entire record, we conclude that the trial court did not abuse its discretion in denying plaintiff's motion. The jury could have reasonably found that defendant was not negligent because she had slowed to make the turn and used her signal. Plaintiff acknowledged that motorists had difficulty seeing him and that he was focused on another vehicle at the time of the collision. In light of the applicable standard of review and the evidence presented at trial, we hold that the trial court did not abuse its discretion.

Affirmed.

/s/ Janet T. Neff

/s/ William B. Murphy

/s/ Joseph B. Sullivan

<sup>1</sup> Plaintiff brought an action against the driver of the vehicle and the owner of the vehicle. Because the issue was whether the driver was negligent, "defendant" will refer to the driver.