IN THE SUPREME COURT OF THE STATE OF DELAWARE

ANEITA PATTERSON,	)	
	)	No. 564, 2003
Plaintiff Below,	)	
Appellant,	)	Court Below: Superior Court
	)	of the State of Delaware in
v.	)	and for New Castle County
	)	
JEAN COFFIN, SHEREE A. MITCHELL, DANIEL A. TICE, and DELAWARE STATE UNIVERSITY,	)	C.A. No. 99C-08-190
	)	
Defendants Below,	)	
Appellee.	)	

Submitted: June 22, 2004
Decided: July 19, 2004

Before **STEELE**, Chief Justice, **BERGER** and **JACOBS**, Justices.

O R D E R

This 19th day of July 2004, upon consideration of the parties' briefs, it appears to the Court that:

1. Appellant Aneita Patterson has been involved in eight different automobile accidents over approximately fifteen years. This case consolidated her claims for damages from three separate automobile accidents: an October 31, 1997 accident involving Jean Coffin; a January 27, 2000 accident involving Sheree Mitchell; and a March 23, 2000 accident involving Delaware State University employee Daniel Tice.

2. After a four-day trial in June 2003, a jury returned answers to ten questions on a special interrogatory form. The jury found that the accidents involving both Mitchell and Tice, but not Coffin, caused injury to Patterson. The jury was not asked to specify what injuries each accident caused or whether the plaintiff suffered a facet fracture, exacerbation of prior chronic back and neck problems, myofacial pain with classic trigger points, or any other specific injury. The jury awarded Patterson $76,500 and apportioned fault as 2% to Mitchell and 98% to Tice. Patterson moved for a new trial on the grounds that the jury awarded less than her total alleged special damages of $133,770.60.

3. Patterson argues that she presented undisputed medical evidence establishing that her accident related injuries, which included spinal fusion surgery, lost wages, and permanent physical limitations, were the source of her alleged damages. She claims that her facet fracture was the only injury disputed at trial, and when the jury determined that the two accidents caused her injuries, it necessarily included a finding that she had suffered a facet fracture as a result. An award of $76,500.00 is, she claims, inadequate as a matter of law, because no reasonable jury could award less than the full amount of her special damages of $133,770.60.

4. Appellees Mitchell and Tice argue that their expert medical testimony sufficiently attacked Patterson's experts to the extent that much of the evidence

became, in fact, controverted. According to the record, defendants medical expert testified that Patterson's diagnostic tests precluded a diagnosis of a facet fracture due to specific spinal abnormalities. One expert testified that Patterson's spinal fusion surgery did not relate to *any* of the accidents in question.

5. In addition to disputed testimony about the facet fracture, the record reveals that the jury heard a variety of other injury complaints and diagnoses stemming from the three accidents by Patterson's own medical experts. The jury also heard evidence regarding the ongoing effects of injuries suffered by Patterson in earlier accidents, unrelated to these accidents involved in the trial.

6. In *Christina School District v. Reuling*, we held that when a plaintiff presents uncontroverted medical expert opinion regarding causation of injuries, a jury is required to award past lost wages and past medical expenses.[1] *Reuling*, however, is distinguishable because the defendants here presented expert medical testimony that no existing data could relate Patterson's surgery to any of the three accidents. Further, the trial judge even noted that Patterson's own medical experts offered conflicting opinions regarding the event(s) and underlying causes that may have necessitated her surgery.

[1] 577 A.2d 752, 1990 WL 72598 (Del. 1990).

7. A new trial should be granted only when the great weight of the evidence is against the jury verdict.[2] The presumption is that a jury verdict is correct.[3] We find here that the jury rationally responded to the evidence and made its award of damages accordingly. Although Patterson could have sought specific jury determinations about specific injuries caused by any particular or combination of accidents, she chose not to do so. Because the jury was not specifically asked to determine whether a particular injury actually occurred, the disputed evidence concerning the facet fracture and the later surgery could have reasonably caused the jury to find against Patterson on those issues. We, therefore, cannot find that it was against the weight of the evidence for the jury to have found Patterson's actual accident related damages less than her total alleged special damages.

For the foregoing reasons, the trial judge did not abuse his discretion by denying Appellant's Motion for a New Trial.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court be, and the same hereby is **AFFIRMED**.

/s/ Myron T. Steele
Chief Justice

[2] *Storey v. Camper*, 401 A.2d 458, 465 (Del. 1979).
[3] *Young v. Frase*, 702 A.2d 1234, 1237 (Del. 1997).