

TABLE OF CONTENTS

	<u>Page</u>
TABLE OF AUTHORITIES.....	iii
STATEMENT OF THE CASE	1
STATEMENT OF THE FACTS	2
A. The Accident, UM Coverage, and Settlements.....	2
B. Theories of the Case.....	4
C. Rulings Effecting GEICO's Liability Expert's Testimony.....	6
1. Pretrial ruling on inspection of the engine.....	6
2. Rulings at trial concerning Swanger's testimony.....	8
D. Plaintiff's "Good v. Evil" Theme And Presentation Of "Bad Character" Evidence As To Geisbert.....	13
E. Plaintiff's Value of Life Closing Argument.....	15
F. Agency Instruction that Geisbert and Anita Lloyd Were Responsible for Any Negligence of Tim Lloyd.....	16
G. The Verdict and Post-Trial Motions.....	17
SUMMARY OF THE ARGUMENT.....	18
STANDARDS OF REVIEW	21
ARGUMENT	22
I. A NEW TRIAL IS REQUIRED BECAUSE THE TRIAL COURT'S ERRONEOUS RULINGS EFFECTING SWANGER'S TESTIMONY DENIED GEICO A FAIR TRIAL.....	22
A. Improper Pretrial Restriction On Inspection.....	22

TABLE OF CONTENTS
(Continued)

	<u>Page</u>
B. Improper Refusal To Compel The Return Of The Engine To The Courtroom And Exclusion Of The Engine From Evidence.	23
C. Improper Restriction Of Swanger's Trial Testimony.	25
D. Improper Presentation Of False Testimony To The Jury.....	28
II. THE TRIAL COURT ERRED BY INSTRUCTING THE JURY THAT GEISBERT AND ANITA LLOYD WERE RESPONSIBLE FOR ANY NEGLIGENCE OF TIM LLOYD AND SENDING A VICARIOUS LIABILITY CLAIM TO THE JURY WHEN SUCH A CLAIM WAS NEVER PLED.....	32
III. THE TRIAL COURT ABUSED ITS DISCRETION IN FAILING TO GRANT A NEW TRIAL BASED ON PLAINTIFF'S HIGHLY PREJUDICIAL AND INFLAMMATORY CLOSING ARGUMENT, INCLUDING AN IMPROPER VALUE OF LIFE ARGUMENT.....	35
IV. THE TRIAL COURT ABUSED ITS DISCRETION IN FAILING TO GRANT A NEW TRIAL BASED ON PLAINTIFF'S CHARACTER ASSASSINATION OF GEISBERT AT TRIAL.	39
V. A NEW TRIAL IS REQUIRED BECAUSE THE UNPRECEDENTED \$30 MILLION VERDICT IS EXCESSIVE AND AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE.....	46
CONCLUSION	49
CERTIFICATE OF SERVICE.....	50
CERTIFICATE OF COMPLIANCE	50