

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2006

JUAN SAMUELS,
Appellant,

v.

LUXURY IMPORTS OF PALM BEACH, INC., d/b/a **LEXUS OF PALM
BEACH,**
Appellee.

No. 4D04-2987

[May 10, 2006]

PER CURIAM.

The appellant, Juan Samuels, challenges a jury verdict against him and in favor of Luxury Imports of Palm Beach, Inc. with respect to the sale of a used car to Samuels. The gravamen of Samuels' complaint was that Luxury Imports falsely represented to him that the vehicle had never been in a significant collision. The jury rendered a special interrogatory verdict, answering three questions on three theories of liability. The jury specifically found that Luxury Imports did not make fraudulent misrepresentations to Samuels, engage in violations of the Florida Deceptive and Unfair Trade Practices Act, or convert his property in connection with the sale. The issues Samuels raises on appeal concern the improper admission of evidence relating to Samuels' damages and improper argument by defense counsel with respect to damages. We conclude that the errors, if any, in admitting this testimony or argument of counsel were harmless, because the jury never reached the issue of damages, having found for Luxury Imports on the liability issues. See § 59.041, Fla. Stat.

Affirmed.

WARNER, KLEIN, JJ., and BAILEY, JENNIFER D., ASSOCIATE JUDGE, CONCUR.

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Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Elizabeth T. Maass, Judge; L.T. Case No. 502000CA010168XXCDAl.

Raymond G. Ingalsbe of Raymond G. Ingalsbe, P.A., Palm Beach Gardens, for appellant.

G. Jeffrey Vernis and Karen M. Nissen of Vernis & Bowling of Palm Beach, P.A., North Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.