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TO FILE REHEARING MOTION
AND, IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JULY TERM, A.D. 2001

ADAM REIVER,

**

Appellant,

** CASE NO. 3D00-2463

vs.

** LOWER
TRIBUNAL NO. 98-15777

LETICIA PAZ,

**

Appellee.

**

Opinion filed December 5, 2001.

An Appeal from the Circuit Court for Dade County, Amy Steele
Donner, Judge.

Luis E. Ordoñez & Associates and Frances F. Guasch, for
appellant.

Arthur J. Morburger, for appellee.

Before JORGENSON, LEVY, and GODERICH, JJ.

PER CURIAM.

Adam Reiver, the defendant below in a rear-end automobile
collision case, appeals from an order granting a motion for directed
verdict, and following submission of the cause to the jury, entry of
judgment notwithstanding that jury's verdict. For the reasons that
follow, we reverse.

The jury reasonably concluded that the evidence and testimony rebutted the presumption of negligence "that attaches to the rear driver in a rear-end collision . . . in cases where the lead driver sues the rear driver." Clampitt v. D.J. Spencer Sales, 786 So. 2d 570, 572 (Fla. 2001). In setting aside that verdict, the court impermissibly acted as "a seventh juror with veto power." See Edwards v. Orkin Exterminating Co., 718 So. 2d 881, 883 (Fla. 3d DCA 1998) (citations omitted).

Reversed and remanded with directions to reinstate the jury verdict.