

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

WILLIAM B.C. & DAWN A. VITEZ

Appellants

v.

INCLINATOR COMPANY OF AMERICA
AND JANE DOE, A/K/A TONYA M. MACE

Appellee

IN THE SUPERIOR COURT OF
PENNSYLVANIA

No. 466 MDA 2013

Appeal from the Judgment Entered April 16, 2013
In the Court of Common Pleas of Dauphin County
Civil Division at No(s): 4554 CV 2002

BEFORE: PANELLA, MUNDY and PLATT*, JJ.

MEMORANDUM BY PANELLA, J.:

FILED DECEMBER 20, 2013

Appellants, William and Dawn Vitez appeal from the judgment entered on April 16, 2013, in the Court of Common Pleas of Dauphin County. After careful review, we affirm.

This matter arises out of a motor vehicle accident that occurred on October 9, 2000, in Harrisburg. William Vitez was working as a car salesman for Brenner Motors and was riding along on a test drive in the rear seat of the vehicle when the vehicle was rear-ended by Appellee, Tonya Mace. For a more detailed recitation of the factual background and procedural history of this case, we refer to the trial court's opinion.

The jury returned a unanimous verdict in favor of Appellees, defendants in the court below, after which Appellants filed post-trial motions

*Retired Senior Judge assigned to the Superior Court.

for relief, which the trial court subsequently denied. In denying Appellants' motion, the trial court filed a comprehensive opinion. This timely appeal followed. Judgment was subsequent entered on verdict on April 16, 2013.

On appeal, Appellants raise the following issues for our review:

- A. Did the trial court err in denying Plaintiffs' Motion for Post-Trial Relief, and failing to award judgment notwithstanding the verdict in favor of Plaintiffs, given the Defendants' admission of negligence and the uncontradicted evidence at trial establish that William Vitez sustained an injury to this teeth, in particular Tooth No. 8, face and scalp contusions, neck sprains, low back pains, and a post-concussion syndrome, in the accident in question?
- B. Did the trial court err in denying Plaintiffs' Motion for Post-Trial relief and failing to award a new trial given the Defendants' admission of negligence and the uncontradicted evidence at trial establishing that William Vitez sustained an injury to his teeth, in particular Tooth No. 8, face and scalp contusions, neck sprain, low back pain, and a post-concussion syndrome in the accident in question?
- C. Did the trial court err in denying Plaintiffs' Motion for Post-Trial Relief because the jury's verdict was so contrary to the evidence as to shock one's sense of justice, was against the weight of the evidence and resulted in a miscarriage of justice?

Appellants' Brief at 5.

We begin our analysis with our standards of review for the denial of a motion for judgment notwithstanding the verdict (JNOV) and the denial of a motion for a new trial.

When reviewing the propriety of an order denying judgment notwithstanding the verdict, this Court must determine whether there is sufficient competent evidence to sustain the verdict. We must review the evidence in the light most favorable to the verdict winner and give the verdict winner the benefit of every

reasonable inference arising therefrom while rejecting all unfavorable testimony and inferences. JNOV can be entered upon two bases: (1) where the movant is entitled to judgment as a matter of law; and/or, (2) the evidence was such that no two reasonable minds could disagree that the verdict should have been rendered for the movant. When reviewing a trial court's denial of a motion for JNOV, we must consider all of the evidence admitted to decide if there was sufficient competent evidence to sustain the verdict... Concerning any questions of law, our scope of review is plenary. Concerning questions of credibility and weight accorded the evidence at trial, we will not substitute our judgment for that of the finder of fact... JNOV should be entered only in a clear case.

Haddad v. Gopal, 787 A.2d 975, 979 (Pa. Super. 2001) (citations omitted).

Consideration of all new trial claims is grounded firmly in the harmless error doctrine which underlies every decision to grant or deny a new trial. A new trial is not warranted merely because some irregularity occurred during the trial or another trial judge would have ruled differently; the moving party must demonstrate to the trial court that he or she has suffered prejudice from the mistake. Once the trial court passes on the moving party's claim, the scope and standard of appellate review coalesce in relation to the reasons the trial court stated for the action it took. Where the court is presented with a finite set of reasons supporting or opposing its disposition and the court limits its ruling by reference to those same reasons, our scope of review is similarly limited. Thus, where the trial court articulates a single mistake (or a finite set of mistakes), the appellate court's review is limited in scope to the stated reason, and the appellate court must review that under the appropriate standard.

Rettger v. UPMC Shadyside, 991 A.2d 915, 923-924 (Pa. Super. 2010)

(internal citations and quotation marks omitted).

Appellants argue that they are entitled to JNOV or a new trial because the verdict was inconsistent and contrary to the evidence. Specifically, Appellants contend the verdict was inconsistent because although Appellee

admitted negligence in causing the motor vehicle accident, the jury found such negligence was not a substantial factor in causing William Vitez's harm. It is Appellants' position that there is "undisputed evidence of injury" such that "given the evidence presented at trial, no two reasonable minds could disagree that some injury was sustained by [William Vitez] in the motor vehicle collision on October 9, 2000." Appellants' Brief at 18.

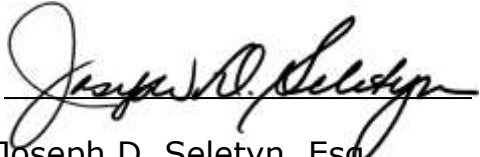
Additionally, Appellants argue that they are entitled to a new trial because the jury's finding on causation was against the weight of the evidence. **See id.**, at 22. In support thereof, Appellants avow that the uncontroverted expert testimony presented demonstrates William Vitez suffered some injury. As such, Appellants argue that "while jurors might differ as to the severity of those injuries, they were not free to find that no compensable injury occurred." **Id.**, at 31.

We have reviewed the briefs of the parties, the relevant law, the certified record on appeal, and the trial court's opinions. The trial court ably and methodically addressed all of Appellants' issues. Accordingly, we adopt the trial court's reasoning as our own, and we affirm on the basis of its well-written opinions with regard to Appellants' claims of error. **See** Trial Court Opinion, 2/12/13; Trial Court Opinion, 4/29/13.

Judgment affirmed. Jurisdiction relinquished.

J-A24011-13

Judgment Entered.

A handwritten signature in black ink, written in a cursive style, reading "Joseph D. Seletyn". The signature is written over a horizontal line.

Joseph D. Seletyn, Esq.
Prothonotary

Date: 12/20/2013