

THOUGHT LEADERSHIP

News

TEXAS COURT OF APPEALS REVERSES JURY'S FINDING OF GROSS NEGLIGENCE AND AWARD OF EXEMPLARY DAMAGES.

Newsbrief

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Last week, the Austin Court of Appeals held that the evidence in the trial court was legally insufficient to support the jury's finding of gross negligence, and reversed the portion of the judgment awarding exemplary damages. In *Williams and Loomis Armored US, LLC v. Crawford*, No. 03-16-00696-CV, 2018 WL 1124306, (Tex. App. —Austin, March 02, 2018, mem. op.), Crawford was stopped at a red traffic light when his vehicle was rear-ended by an armored truck driven by Williams, an employee of Loomis Armored. Crawford subsequently sued Williams and Loomis Armored for negligence and gross negligence. At trial, the undisputed evidence showed that Williams was driving his 14,000-pound armored truck in the rain and while eating sunflower seeds. Further, Williams looked away from the road and down to the floorboard as he approached the traffic light where Crawford's vehicle was stopped. When he looked up and noticed Crawford's vehicle, he applied the truck's brakes but was unable to avoid colliding with Crawford's vehicle. Williams acknowledged that he was distracted and not looking ahead just before the accident. Additionally, he admitted that he knew that driving while distracted is unsafe.

At the conclusion of the trial, the jury found Williams grossly negligent and awarded Crawford \$5,000 in exemplary damages (in addition to various compensatory damages). On appeal, however, the Court of Appeals concluded that there was insufficient evidence to support the jury's finding. In reversing the jury's finding, the court noted the well-settled law that "an act or omission that is merely thoughtless or careless . . . cannot be grossly negligent." The court reasoned that there was "[n]othing in the record . . . to suggest that Williams was speeding as he approached the intersection or that he was driving at an unsafe distance, aggressively, or erratically before looking down."