THOUGHT LEADERSHIP

News

FIFTH CIRCUIT AFFIRMS "NO NEGLIGENCE" FINDING ON INSURED DRIVER WHO CROSSED CENTER LINE AND STRUCK CLAIMANT'S VEHICLE

Newsbrief
06 FEB 2020

The Fifth Circuit recently affirmed a take-nothing judgment in favor of the insured driver in an auto accident case tried before a jury in federal court in the Southern District of Texas. In *Jordan v. Zavolas,* No. 19-20166 (5th Cir. Jan. 2020), the insured driver crossed the center line and collided with the claimant's vehicle. The jury answered "no" to the question, "Did the negligence, if any, of Noah Zavolas proximately cause the occurrence in question?" In affirming the take nothing judgment, the Fifth Circuit's unpublished opinion states:

The magistrate judge, who tried the case by consent, denied plaintiff's motion for new trial succinctly explaining that "under Texas law, being the 'cause' of an accident does not equate with being negligent." Thus, despite that the defendant admitted to being the cause for having crossed the center line on a curve on a slippery road, there was sufficient evidence for the jury to find no negligence.

Agreeing with the trial court's reasoning, the Fifth Circuit affirmed the take nothing judgment in favor of Mr. Zavolas.

Editor's Note: MDJW congratulates it law partner, Shane Osborn and his team in successfully defending Mr. Zavolas in this lawsuit, and MDJW appellate partner Levon Hovnatanian, for successfully defending this matter on appeal. We also thank State Farm Mutual Automobile Insurance Company for allowing us the privilege of defending its insureds.