

THOUGHT LEADERSHIP

News

COURT REJECTS ARGUMENT THAT MEDICAL BILLS ARE ADMISSIBLE TO PROVE NON-ECONOMIC DAMAGES - AFFIRMS TRIAL COURT'S EXCLUSION

Newsbrief

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Last week, the Court of Appeals, El Paso, rejected the defendant's argument that the plaintiff's medical bills were admissible for the jury's consideration of non-economic damages, and affirmed the trial court's exclusion of the medical bills. In *Press Energy Svcs., LLC and Nissley v Ruiz*, No. 08-19-00179-CV, 2021 WL 3013313 (Tex. App.—El Paso, July 16, 2021), Nissley and Ruiz, both commercial truck drivers, were involved in a collision. Ruiz subsequently filed suit against Nissley alleging negligence and gross negligence. Ruiz initially sought recovery for medical expenses and non-economic damages (pain and suffering, mental anguish, physical impairment, and disfigurement), but he later amended his petition and removed his claim for medical expenses. During trial, the court excluded evidence of Ruiz's medical bills, despite Nissley's efforts to admit the bills into evidence. The jury ultimately returned a unanimous verdict of negligence and gross negligence against Nissley.

On appeal, Nissley contended that the trial court erred in excluding evidence of Ruiz's medical bills, arguing that the medical bills were tethered to Ruiz's claims of noneconomic damages, and the bills were admissible as a guidepost for the jury's determination of noneconomic damages. Nissley also contended that the evidence to support a finding of gross negligence was legally and factually insufficient. The Court of Appeals rejected Nissley's guidepost argument and held that the trial court did not err in excluding Ruiz's medical bills. Relying on *Haygood v. De Escabedo*, 356 S.W.3d 390 (Tex. 2011), the court concluded that the probative value of the medical charges as related to the jury's ability to gauge the seriousness of Ruiz's injuries for the purpose of awarding noneconomic damages was substantially outweighed by the confusion it would generate.

On the issue of gross negligence, the Court of Appeals concluded that the evidence was sufficient to support a finding of gross negligence. To that end, the testimony established that the ABS lines of Nissley's truck had been cut and fastened to the truck, the ABS warning lights inside the cab had been disabled by the removal of the light fuse, and the truck had mismatched brake chambers. Additionally, Nissley admitted that he checked the truck's ABS system and brake chambers as part of his pre-trip inspection. As such, the court reasoned that "the jury was permitted to reach a reasonable inference through circumstantial evidence that Nissley knew his brakes were defective and could cause serious harm or death, and nonetheless, he chose to drive the vehicle anyway."