

No. 28461 - Barbara L. Seymour v. Pendleton Community Care and Michael Judy

Maynard, Justice, dissenting:

FILED

July 6, 2001

RORY L. PERRY II, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA

RELEASED

July 9, 2001

RORY L. PERRY II, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA

I would affirm the circuit court's order which reduced the appellant's jury verdict from \$526,000 to \$172,235.92. The circuit court's elimination of the jury's \$125,000 award for future lost wages was based on the circuit court's accurate conclusion that the appellant had failed to show that she had made reasonable efforts to mitigate her damages. Also, the circuit court properly reduced punitive damages from \$300,000 to \$98,314.92 in light of the fact that a \$300,000 award was simply unreasonable and outrageous under the specific facts of this case. Accordingly, I dissent.