



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



MICHAEL SOTO v. ANTHONY SACCO, et al.
CV-16-0136-PR
239 Ariz. 516, 372 P.3d 1040 (App. 2016)

PARTIES:

Petitioner: Michael Soto (**Plaintiff**)

Respondent: Anthony Sacco, Discount Enterprises, Inc., and Total Transit, Inc., d/b/a Discount Cab (**Defendants**)

FACTS:

Plaintiff and his wife were passengers in Anthony Sacco's taxi cab when it collided with another vehicle. When Plaintiff and his wife sued, Defendants admitted negligence and *respondeat superior* liability. At trial, the jury only considered the amount of damages to be awarded. (The jury's separate damages award to Plaintiff's wife is not included in the Petition for Review.)

Trial evidence established that Plaintiff sustained multiple fractures to the humerus bone of his dominant arm that required surgery to implant a plate and screws. Plaintiff made no claim for lost wages or future medical expenses and his medical bills totaled \$40,500. Plaintiff asked the jury for \$725,000; Defendants suggested \$90,000. The jury awarded Plaintiff \$700,000. Defendants filed a "Motion for New Trial, to Alter or Amend the Judgment, and for Remittitur" requesting that the judge reduce the award. After briefing and oral argument, the trial court granted a remittitur, reducing Plaintiff's award to \$250,000. Upon further proceedings, the court signed an order stating that: "Pursuant to Rule 59(m), Ariz. R. Civ. P., the Court specifies with particularity the grounds for granting the motion. The Court finds that the verdict with respect to Michael Soto was excessive and not supported by the evidence." Plaintiff filed a notice of appeal.

ISSUES:

1. Under Arizona law, can a trial judge properly remit a jury verdict by doing nothing more than reciting that he believes that it is not supported by the evidence?
2. Whether the trial court and the Court of Appeals both failed to properly protect Michael Soto's constitutional right to a jury trial under Art. II § 23 of the Arizona Constitution when, in a stipulated liability case, the trial court remitted Michael's jury verdict from \$700,000 to \$250,000 and the Court of Appeals refused to reinstate that verdict.

3. Whether the trial court and the Court of Appeals both improperly nullified a proper and legitimate constitutional jury verdict without the appropriate legal cause, factual analysis, explanation, or justification.

DEFINITIONS:

Remittitur is a ruling by a judge lowering the amount of damages granted by the jury in a civil lawsuit.

Respondeat Superior is a legal doctrine that an employer is legally responsible for negligent acts of an employee or agent if those acts are within the scope of the employment or agency.

This Summary was prepared by the Arizona Supreme Court Staff Attorneys' Office solely for educational purposes. It should not be considered official commentary by the Court or any member thereof or part of any brief, memorandum, or other pleading filed in this case.