

IN THE SUPREME COURT OF THE STATE OF NEVADA

PIERRE WOODS; TIFFANY WOODS,  
INDIVIDUALLY AND AS THE  
SPECIAL ADMINISTRATRIX OF THE  
ESTATE OF EDDIE WOODS; AND  
GWENDOLYN WOODS,

Appellants,

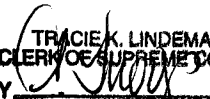
vs.

PAHRUMP RENTALS, INC.; AND  
KAREN THOMAS, D/B/A PAHRUMP  
RENTALS,  
Respondents.

No. 47266

**FILED**

JAN 30 2008

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court judgment on a jury verdict and a post-judgment order denying a motion for a new trial in a strict products liability and wrongful death action. Eighth Judicial District Court, Clark County; Jennifer Togliatti, Judge.

The parties are familiar with the facts, and we do not recount them except as necessary to our disposition. We affirm the judgment of the district court.

Appellants Pierre Woods, Tiffany Woods, individually and as the special administratrix of the estate of Eddie Woods, and Gwendolyn Woods (Woods) filed this action against respondents Pahrump Rentals Inc. and Karen Thomas for damages resulting from an accident involving a Pahrump Rentals' trailer. The Woods raise three issues on appeal: (1) whether the district court erred in denying their motion for directed verdict on the issue of liability, (2) whether there is substantial evidence in the record to support the jury verdict in favor of Pahrump Rentals, and

(3) whether the district court improperly denied their motion for a new trial and renewed motion for judgment as a matter of law.

The Woods contend that the district court erred in denying their motion for judgment as a matter of law on the issue of liability. We disagree.

To succeed on a motion for judgment as a matter of law, the Woods must show that “the evidence is so overwhelming . . . that any other verdict would be contrary to the law.”<sup>1</sup> In a strict products liability action, the plaintiff has the burden of proving that the “injury was caused by a defect in the product, and that such defect existed when the product left the hands of the defendant.”<sup>2</sup> When the alleged defect is a failure to warn, the plaintiff must show that the product fails to “include a warning that adequately communicates the dangers that may result from its use or foreseeable misuse.”<sup>3</sup>

Here, the record reveals that the Woods were provided with oral instructions as to the proper use of the trailer. These oral instructions informed the Woods of the dangers associated with the misuse of the trailer.<sup>4</sup> Thus, we conclude that the evidence on the issue of

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<sup>1</sup>University & Cmty. Coll. Sys. v. Sutton, 120 Nev. 972, 986, 103 P.3d 8, 18 (2004) (quoting Bliss v. DePrang, 81 Nev. 599, 602, 407 P.2d 726, 727-28 (1965)).

<sup>2</sup>Shoshone Coca-Cola v. Dolinski, 82 Nev. 439, 443, 420 P.2d 855, 858 (1966); see also Fyssakis v. Knight Equipment Corp., 108 Nev. 212, 214, 826 P.2d 570, 571 (1992).

<sup>3</sup>Fyssakis, 108 Nev. at 214, 826 P.2d at 571-72.

<sup>4</sup>We note that conflicting evidence on this issue was also presented, but it was not so compelling as to require judgment as a matter of law.

liability was not so overwhelming that any other verdict would be contrary to the law. Accordingly, we conclude that the district court properly denied the Woods' motion for judgment as a matter of law.

Next, the Woods argue that the jury verdict should be overturned as it was not supported by substantial evidence. We disagree.

On appeal, "this court will not disturb a district court's findings of fact if they are supported by substantial evidence."<sup>5</sup> "Substantial evidence is that which 'a reasonable mind might accept as adequate to support a conclusion.'"<sup>6</sup> The district court's conclusions of law, however, are reviewed de novo.<sup>7</sup>

In the instant case, the Woods were given a specific instruction to not haul gravel. The instruction provided that the Woods were not to haul anything other than the designated two bales of hay as it would exceed the weight limit of both the car and the trailer. Given this instruction, we conclude that there is substantial evidence in the record to support the jury's verdict that the trailer was not defective.<sup>8</sup> As such, we conclude that this instruction provided the Woods with suitable and adequate warnings. Accordingly, we conclude that the jury's verdict was not clearly wrong.<sup>9</sup>

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<sup>5</sup>Keife v. Logan, 119 Nev. 372, 374, 75 P.3d 357, 359 (2003).

<sup>6</sup>Construction Indus. v. Chalue, 119 Nev. 348, 352, 74 P.3d 595, 597 (2003) (quoting Richardson v. Perales, 402 U.S. 389, 401 (1971)).

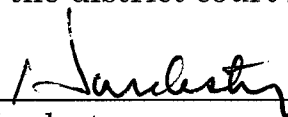
<sup>7</sup>Keife, 119 Nev. at 374, 75 P.3d at 359.


<sup>8</sup>See Fyssakis, 108 Nev. at 214, 826 P.2d at 571.

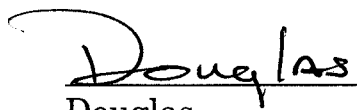
<sup>9</sup>Bally's Employees' Credit Union v. Wallen, 105 Nev. 553, 555-56, 779 P.2d 956, 957 (1989).

Finally, the Woods challenge the district court's denial of their renewed motion for a new trial and judgment as a matter of law. Because this court will not entertain an appeal "taken from an order denying a post-judgment motion for judgment notwithstanding the verdict," we decline to address this issue here.<sup>10</sup> This court may, however, grant a new trial for "[m]anifest disregard by the jury of the instructions of the court."<sup>11</sup> Having reviewed the record, we conclude that the jury did not manifestly disregard the district court's instructions. Therefore, the district court did not err in refusing to grant the Woods' motion for a new trial. As such, we conclude that it was reasonable for the jury to reach the verdict that it reached.<sup>12</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Douglas

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<sup>10</sup>Mainor v. Nault, 120 Nev. 750, 758 n.2, 101 P.3d 308, 314 n.2 (2004) (quoting Dow Chemical Co. v. Mahlum, 114 Nev. 1468, 1475 n.1, 970 P.2d 98, 103 n.1 (1998)).

<sup>11</sup>NRCP 59(a)(5).

<sup>12</sup>Weaver Brothers, Ltd. v. Misskelley, 98 Nev. 232, 234, 645 P.2d 438, 439 (1982).

cc: Hon. Jackie Glass, District Judge  
Hon. Jennifer Togliatti, District Judge  
Ara H. Shirinian, Settlement Judge  
Cochran, Cherry, Givens, Smith, Stewart & McMurray  
Foley & Foley  
Ryan & Ciciliano, LLC  
Tharpe & Howell  
Eighth District Court Clerk