

IN THE COURT OF COMMON PLEAS OF  
LYCOMING COUNTY, PA

JARED WOLFE,	:	
	:	
Plaintiff	:	NO: 08-01217
	:	
vs.	:	
	:	
KARL ZIERLE,	:	CIVIL ACTION
Defendant	:	

**OPINION AND ORDER**

On September 28, 2009, a jury trial was held in the above-captioned matter. Following the trial, the jury returned a verdict for the Plaintiff, awarding \$15,000.00 in compensatory damages, and \$50,000.00 in punitive damages. During the trial, the Defendant admitted that he rear-ended the Plaintiff's vehicle while driving under the influence of alcohol, and that his BAC was more than three times the legal limit at the time of the accident.

Defendant has filed a Post Trial Motion requesting a remitter in this case. Defendant asserts that given the disparity between the nature of the harm suffered by the plaintiff and the punitive damages awarded, the punitive damages should be found to be excessive. The Defendant additionally asserts that the award of punitive damages should be reduced because the Defendant is unable to pay the award, and because the award far exceeds criminal sanctions imposed for driving under the influence of alcohol.

Judicial reduction of a jury award is appropriate only when the verdict "so shocks the sense of justice as to suggest that the jury was influenced by partiality,

prejudice, mistake, or corruption.” Sprague v. Walter, 656 A.2d 890, 924 (1995), (citing Haines v. Raven Arms, 640 A.2d 367, 369 (Pa. 1994)). This Court does not believe the award of punitive damages in this action shocks the conscience in light of the evidence presented regarding the Defendant’s intoxication. Moreover, the award of punitive damages is only between three to four times the amount of compensatory damages awarded.<sup>1</sup>

**ORDER**

AND NOW, this 24<sup>th</sup> day of November, 2009, following argument on the Defendant’s Post Trial Motion for Remitter and Relief from Excessive Punitive Damage Award, it is hereby ORDERED that the Defendant’s Motion is DENIED.

BY THE COURT,

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Richard A. Gray, J.

cc: Michael A. Dinges, Esquire  
Rebecca L. Penn, Esquire  
Gary L. Weber, Esquire

<sup>1</sup> In Shiner v. Moriarty, 706 A.2d 1228 (Pa.Super. 1998), the Superior Court upheld a \$1 million punitive damage award that was found to be 8.3 times the amount of the compensatory damages.