

### **No Negligence Without Causation**

On December 7, 2018, the Superior Court of Pennsylvania reversed a grant of post-trial relief in favor of Mariana Koziar (“Koziar”) in *Mariana Koziar v. Neal T. Rayner and Andrea Rayner* (“Lawsuit”). The case stems from a slip-and-fall which occurred on the property of Neal and Andrea Rayner (“Rayner”).

Koziar worked as a house cleaner for the Universal Group and was assigned to clean the Rayner’s home. She and her co-workers finished cleaning between 7:00 pm and 7:15 pm and proceeded through the laundry room of the house into the attached three-car garage. She testified she was unfamiliar with the area and that she fell and injured her ankle on a lip while exiting the garage. However, she provided conflicting stories of her accident to her treating physician all of which was documented in his reports.

At trial, the Rayner’s presented testimony arguing that the alleged “lip” between the garage apron and garage floor was in good condition and that they were not negligent. After hearing testimony from both parties, the jury returned a verdict that the Rayner’s were negligent, but their negligence was not a factual cause of the harm to Koziar. Following the verdict, Koziar filed a motion for post-trial relief which was granted as the trial court determined that once the Rayner’s were deemed negligent and only Koziar’s uncontested medical evidence was presented, the jury’s finding that the Rayner’s were not the factual cause of Koziar’s injuries defied logic.

As such, the Rayner’s appealed arguing that, while they conceded that Koziar suffered an injury based on the medical evidence presented, they did not concede that their negligence was the factual cause of Koziar’s injury. In reversing the trial court’s grant of post-trial relief, the court indicated that the fact that there was uncontroverted medical evidence does not relieve the plaintiff from proving that the negligence of the Rayner’s caused Koziar’s injuries. The court noted that Koziar had provided multiple accounts of how she fell and the jury could have found one or more of them credible. Therefore, the jury’s verdict did not defy logic, but the trial court’s grant of post-trial relief in this matter certainly did. Every element of negligence must be proven and there’s no short-cuts if there’s negligence and damages but no causal connection.