

SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING
100 NORTH NINTH STREET
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Granted Appeal Summary

Case

DONNA LYNN MATTEJAT, ADMINISTRATOR OF THE ESTATE OF ALLEN G. MATTEJAT, DECEASED v. WILLIAM R. BLOSSER
(Record Number 201021)

From

The Circuit Court of Augusta County; W.C. Goodwin, Judge.

Counsel

Gregory S. Hooe, Tara A. Enix, and Mark S. Lindensmith (Marks & Harrison, P.C.) for appellant.

Joshua D. Goad (Johnson, Ayers & Matthews, P.L.C.) for appellee.

Assignments of Error

I. The trial court committed reversible error in taking this case from the jury at the close of Plaintiff's liability evidence. Reasonable persons could differ as to whether (in accepting as true all evidence favorable to Plaintiff and all reasonable inferences therefrom) the circumstantial evidence demonstrated negligence on the part of Blosser in pulling from his driveway when it was not reasonably safe to do so. Negligence and proximate cause are quintessential questions of fact for the jury, not the judge.

II. The trial court committed reversible error in its application of Virginia's Dead Man's Statute (Va. Code § 8.01-397) in this case, and erred in ruling that Blosser would be allowed to testify at trial regarding his version of Mr. Mattejat's alleged driving or conduct just prior to the collision, as there was no separate, objective corroboration for his testimony beyond Blosser's own statements and Va. Code § 8.01-397 does not allow such self-serving testimony.