

(Publication page references are not available for this document.)

Court of Appeals of New York.

Shauna ALAMI, as Administratrix of the Estate of Silhadi Alami,
Deceased, Appellant,

v.

VOLKSWAGEN OF AMERICA, INC., Respondent.

Feb. 19, 2002.

Administrator of estate of motorist who suffered fatal injuries in single-vehicle accident sued manufacturer of vehicle, alleging that vehicle's defective design had enhanced motorist's injuries. Manufacturer moved for summary judgment, alleging that motorist's intoxication at time of accident barred suit. The Supreme Court, Westchester County, Samuel G. Fredman, J., granted motion. Administrator appealed, and the Supreme Court, Appellate Division, affirmed, [278 A.D.2d 262, 718 N.Y.S.2d 604](#). After granting permission to appeal, the Court of Appeals, Wesley, J., held that fact that motorist was legally intoxicated at time of accident did not operate on grounds of public policy to bar administrator's crashworthiness claim.

Appellate Division reversed, and motion denied.

Rosenblatt, J., dissented and filed opinion.

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(Publication page references are not available for this document.)

Only the Westlaw citation is currently available.

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Supreme Court of Iowa.

Rick C. KETTELLS and Stephanie Kettells, Appellants,

v.

ASSURANCE COMPANY OF AMERICA, Appellee.

No. 99-1937.

May 8, 2002.

Appeal from the Iowa District Court for Polk County, Artis Reis, Judge.

Plaintiffs appeal from order denying their posttrial motions. APPEAL DISMISSED.

J. Russell Hixon, Clive, for appellants.

[Joseph A. Happe](#) and [Patrick D. Smith](#) of Huber, Book, Cortese, Happe & Brown, P.L.C., Des Moines, for appellee.

[LARSON](#), Justice.

Rick and Stephanie Kettells sued their underinsured motorist **insurance** carrier and obtained a judgment against it. The plaintiffs collected on the judgment and then filed posttrial motions under [Iowa Rules of Civil Procedure 244](#) (new trial) and 252 (vacation or modification of judgment). (These rules have recently been renumbered 1.1004 and 1.1012, respectively.) The district court denied the posttrial motions, and the plaintiffs appealed. We dismiss the appeal as waived.

I. Facts and Prior Proceedings.

Rick Kettells was injured in an **automobile** accident in 1996. He and his wife settled with the other driver. Then they sued their own carrier, Assurance Company of America (ACA), for underinsured-motorist benefits. A jury returned a verdict for the Kettells for \$146,177. The court reduced that amount by the amount received from the original tortfeasor and entered judgment for the difference, with interest. The Kettells accepted the judgment proceeds, then filed their posttrial motions and, ultimately, this appeal. According to the plaintiffs, they filed their posttrial motions to hopefully get a new trial and increase the size of the verdict because "Rick Kettells [had] suffered a

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Supreme Court of Alabama.
GENERAL MOTORS ACCEPTANCE CORPORATION and Yerby Chevrolet, Inc.,
v.
Randall DUBOSE.
No. 1001060.
May 3, 2002.

Appeal from Lamar Circuit Court (CV-97-98).

PER CURIAM.

Yerby Chevrolet, Inc., and General Motors Acceptance Corporation ("GMAC") appeal the trial court's certification of two classes of plaintiffs in a class action, pursuant to the provisions of [§ 6-5-642, Ala.Code 1975](#). [\[FN1\]](#)

[FN1](#). See *Atlanta Cas. Co. v. Russell et al.*, [Ms. 1991559, April 20, 2001] --- So.2d ---- (Ala.2001), in which this Court stated: "The enactment of [§ 6-5-642, Ala.Code 1975](#), a statute that became effective before the certification was made in this case, provides parties with the right of appeal from an order granting or denying class certification."

One issue is presented on appeal: Did the trial judge abuse his discretion in certifying two classes of plaintiffs under the provisions of [Rule 23\(b\)\(3\) Ala.R.Civ.P.](#)? Based on the facts of this case and the applicable law, we believe that he did, and we reverse and remand.

Facts

In 1995, Randall Dubose leased a sport-utility vehicle from Yerby Chevrolet. The lease was financed by GMAC. Following the termination of his lease, Dubose, who had paid what his lease agreement required him to pay, decided that he had been improperly charged a rental tax that the State of Alabama imposes on the lessors of **automobiles**. See [§ 40-12-222, Ala.Code 1975](#). [\[FN2\]](#) GMAC claims that Alabama tax regulations expressly recognize that the rental tax may be passed along to consumers. See Ala. Dep't of Rev. Rule 810-6-5-.09(15) ("If rental tax is billed or passed along to the lessee as a tax or additional cost

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Supreme Court of Minnesota.

AMERICAN NATIONAL GENERAL **INSURANCE** COMPANY, Respondent,

v.

Paul Gerald SOLUM, et al., Petitioners, Appellants,

Adam Kraus, Petitioner, Appellant.
No. C8-00-2082.
April 18, 2002.

Automobile insurer brought action for declaratory judgment that uninsured pickup truck driven by **insured** was owned by his spouse, not his adult child, and that the policy provided no liability coverage. The District Court, Houston County, James A. Fabian, J., entered judgment on jury verdict for **insureds**. **Insurer** appealed. The Court of Appeals, Klaphake, J., [631 N.W.2d 420](#), reversed. Review was granted. The Supreme Court, Stringer, J., held that certificate of title created conclusive presumption that spouse owned pickup truck.

Affirmed.

642 N.W.2d 1 Page 3(**Publication page references are not available for this document.**)
Supreme Court of Minnesota.
Joan MARTIN, guardian ad litem for Troy HOFF, Petitioner, Appellant,
and
State of Minnesota, plaintiff on impleader, Respondent,
v.
CITY OF ROCHESTER, et al., Defendants.
No. C3-00-398.
March 21, 2002.
Rehearing Denied April 23, 2002.

Mother whose son who suffered brain **damage** in motor vehicle accident brought personal injury action as guardian ad litem to recover for son's underlying injuries, and State filed lien seeking reimbursement of medical expenses it had paid. The District Court, Olmsted County, James L. Mork, J., dismissed State's claim, and State appealed. The Court of Appeals, [615 N.W.2d 867](#), reversed and mother appealed. The Supreme Court, Paul H. Anderson, J., held that: (1) State medical assistance lien statute was preempted by federal law to the extent statute allowed lien to be placed on recipient's personal injury action; (2) State medical assistance assignment statute only granted State the right to be assigned recipient's claim for medical expenses; and (3) State medical assistance subrogation statute was preempted by federal law to the extent statute allowed State to assert a subrogation right against that portion of recipient's settlement that represented a recovery for claims other than claims for medical expenses.

Court of Appeals decision reversed, and action remanded to district court.

Russell A. Anderson, J., dissented and filed opinion, in which Stringer and Lancaster, JJ., joined.