

Non-Economic Damages: The Times They Are A-Changin'



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Parkway (Tex. 1995)

- Homeowners sued for flooded home.
- Need “direct evidence of the nature, duration, and severity of [the plaintiffs’] mental anguish, thus establishing a substantial disruption in the plaintiffs’ daily routine.”

2

Parkway (Tex. 1995)

- Husband testified:
 - I was hot. I was very disturbed about that, and called him and said, “I would like to sell you a house. I think you have just flooded my property, I think you have messed up my house.” I begged the guy not to.

3

Parkway (Tex. 1995)

- Wife testified:
 - “Not pleasant”
 - “[Our life] changed”
 - “Caused some friction between us”
 - “Upset that it changed our lifestyle”

4

Parkway (Tex. 1995)

- Court conceded these statements showed that P's felt anger, frustration, or vexation, but these things were "*mere emotions.*"

5

Gregory v. Chohan (June 2023)

- Death arising out of truck crash.
- \$16.8 million in damages.
- \$15 million in non-economic damages.
- Court of appeals, *en banc*: not "flagrantly outrageous, extravagant, and so excessive that it shocks the judicial conscience."

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