

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



Quentin Brogdon

Crain Brogdon, LLP

Mitzi Mayfield

Underwood Law Firm

1

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."

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Non-Economic Damages: The Times They Are Changin'

Also available as part of the eCourse
[2024 Car Crash Case Law Updates](#)

First appeared as part of the conference materials for the
2024 The Car Crash Seminar session
"Non-Economic Damages, Post-*Gregory*"