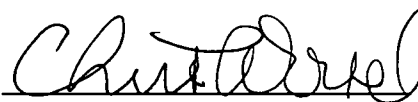


damages. Appellant was greatly prejudiced as a result of this error, as the record for appeal is now significantly lacking. Additionally, since the general verdict form gave the jury no way to apportion fault through comparative negligence, it was misleading to the jury. To reverse the prejudice suffered by the Appellant from this error, this Court must reverse the trial court's ruling and grant a new trial.

CONCLUSION

The trial court abused its discretion by allowing Respondent to submit the improper element of property damage, by neglecting its duty to fully inquire into the admissibility of Respondent's undisclosed witness, and by failing to use a special jury verdict form. Based on the totality of these circumstances, Appellant was greatly prejudiced. Appellant submits that these issues present reversible errors of law. As the record does not indicate a clear and precise amount of damages attributable to these errors, remission of the award is not possible and a new trial must be granted. For all the reasons stated herein, Appellant respectfully requests that this Court remand this case for a new trial.

Respectfully submitted,



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