

Introduction to the May 2026 Edition

The May 2026 Edition of *Stein on Personal Injury Damages 3d* includes an update of existing sections. A few highlights are:

- Evidence of drug use suggested by moped operator's medical records was not relevant to her life expectancy, and therefore it was not admissible on that issue in wrongful death action brought by administrator of operator's estate against motorist, alleging negligence, since expert testimony did not link drug use to her life expectancy. § 3:19.
- Allegation that LLC boat owner and LLC tour operator were grossly negligent by and through failure of their owner and manager to use industry standard buddy system and by and through his allowing scuba diver to dive was insufficient to support, under vicarious-liability theory, punitive-damages claim based on gross negligence, in action brought by estate of scuba driver, who ultimately drowned while on chartered tour. § 4:31.
- In a case seeking emotional distress damages arising from a car accident, so long as the claimant establishes that their emotional distress was capable of objective determination, that the distress occurred within the legitimate window of mental anxiety, and that the tortfeasor's negligence proximately caused the claimant's emotional distress, a trial court should instruct the jury on the claimant's pre-impact fright damages. § 10:40.

Stein on Personal Injury Damages 3d can be accessed online on Thomson Reuters Westlaw.