

IN THE COURT OF APPEALS OF IOWA

No. 9-949 / 05-2105
Filed December 13, 2006

TAMMY S. BOLLMAN,
Plaintiff-Appellee,

vs.

JEFFREY JOHN RUEHS,
Defendant-Appellant.

Appeal from the Iowa District Court for Allamakee County, James C. Bauch, Judge.

Appellant appeals a district court order granting appellee's motion to vacate the verdict and grant new trial. **AFFIRMED.**

David P. Odekirk of Dunakey & Klatt, P.C., Waterloo, for appellant.

Matt J. Reilly of White & Johnson, P.C., Cedar Rapids, for appellee.

Considered by Sackett, C.J., and Zimmer and Eisenhauer, JJ.

EISENHAUER, J.

Tammy Bollman sued Jeffrey Ruehs for defamation regarding certain statements he is alleged to have made regarding Bollman removing or stealing items from his boat. In response to the first question in the verdict, “Did the defendant, Jeffrey Ruehs, state that the plaintiff stole or took things belonging to him off of his boat?” the jury answered, “No.” The district court concluded this finding was not sustained by sufficient evidence and contrary to law and granted Bollman’s motion to vacate the verdict and grant new trial. Ruehs appeals.

Our review is for an abuse of discretion. Iowa R. App. P. 6.14(6)(c). To show an abuse of discretion, the moving party must show the court exercised its discretion on grounds clearly untenable or to an extent clearly unreasonable. *Lehigh Clay Prods., Ltd. v. Iowa Dep’t of Transp.*, 512 N.W.2d 541, 543 (Iowa 1994). We are slower to interfere with a district court’s grant of a new trial than with its denial. *Id.* “We view the evidence in the light most favorable to the jury’s verdict.” *Lara v. Thomas*, 512 N.W.2d 777, 781 (Iowa 1994).

A new trial may be granted, and the jury verdict set aside, when the verdict is so logically and legally inconsistent it is irreconcilable in the context of the case. See *Blume v. Auer*, 576 N.W.2d 122, 125 (Iowa Ct. App. 1997). In assessing whether the jury verdict is inconsistent, we are mindful that a jury’s verdict is to be liberally construed to give effect to the intentions of the jury and to harmonize the verdict if possible. *Id.* at 126. The test is whether the verdict can be reconciled in any reasonable manner consistent with the evidence, its fair inferences, and in light of the instructions of the court. *Hoffman v. National Med. Enter., Inc.*, 442 N.W.2d 123, 126-27 (Iowa 1989).

Ruehs testified numerous times that he made statements to others to the effect that Bollman stole, or took without his permission, items from his boat belonging to him. Other witnesses also testified to this fact. The trial court did not abuse its discretion when it concluded the verdict cannot be reconciled in any reasonable manner consistent with the evidence, its fair inferences, and in light of the instructions of the court. Accordingly, we affirm.

AFFIRMED.