

APPENDIX
CHRONOLOGICAL SUMMARY OF MENOPAUSE DEFENSE CASES

Case name	Year	Jurisdiction	Woman's Age	Type of Case	Trial Court Result & Damages	Reason for Appeal & Result	Comments
San Antonio Gas Co. v. Singleton 59 S.W. 920	1900	Tex. App.	Plaintiff stated 35	slip & fall	verdict for Plaintiff \$2500	excessive damages & new evidence to support new trial— Affirmed	Appellant alleged Plaintiff was 45, not 35, and that menopause affected her menstruation—not the accident in question
The Little Silver 189 F. 980	1911	Dist. Ct. N.J.	45	boat accident	verdict for Plaintiff \$4000	Federal District Court case—not an appeal	Defendant contended that Plaintiff was undergoing menopause (a change of life) and that pain & suffering were due to that condition, not from injuries received in accident.

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Laskowski v. People's Ice Co. 157 N.W. 6	1916	Mich.		horse accident	verdict for Plaintiff \$3500	excessive verdict & court erred in jury instructions Affirmed	doctor testified that Plaintiff's condition was result of menopause—which comes to all women of certain age (which Plaintiff was)—court found no evidence to suggest Plaintiff was not experiencing menopause—but even if she were, the jury instructions safe-guarded Defendant's rights.
Oliver v. Detroit Taxicab Co. 177 N.W. 235	1920	Mich.	50	car accident	verdict for Plaintiff \$3500	excessive verdict Affirmed	expert testimony was in conflict concerning cause of Plaintiff's condition; defense expert stated "Plaintiff's symptoms were due entirely to <i>the</i> <i>menopause</i> , the change of life"

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Armour v. Tomlin 42 S.W.2d 634	1931	Tex. App.		car accident	verdict for Plaintiff \$4987	refusal to submit special question to jury Affirmed	expert testified there was no evidence of injury to Plaintiff's nervous system, and that, in his opinion, Plaintiff was suffering from depression such as is sometimes manifested during <i>the menopause</i>
English v. English 170 A. 864	1934	N.J. Ch.		divorce	evidence established extreme cruelty, entitling husband to divorce	Court of Chancery trial for divorce—not an appeal	wife was movant, husband counterclaimed, alleging extreme cruelty—wife blamed her conduct on mental upset resulting from menopause
<i>In re Grant's Estate</i> 47 P.2d 508	1935	Cal. Dist. Ct. App.	69 (more likely around age 50)	contested will	jury found decedent of unsound mind & denied admission of probate of will	to determine sufficiency of evidence to justify verdict Reversed	contestants (testatrix estate daughters) alleged that she was of unsound mind due to a mental disturbance caused by menopause
Tate v. Western Union Tel. Co. 96 S.W.2d 365	1936	Mo.	39	electrical accident	judgment for Plaintiff \$17,500 award	excessive award Award reduced to \$12,500	court stated that Plaintiff was at the age the menopause condition sets in and nervousness comes with that condition

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Wiley v. Wiley 190 A. 363	1937	Pa. Super. Ct.	49	divorce	divorce granted	to determine whether issues properly decided Affirmed	argumentative wife attempted to defend her conduct saying she was undergoing menopause
Croll v. Miller 2 A.2d 527	1938	Pa. Super. Ct.	50+	Workman's Compensation	judgment awarding total disability	total disability granted in error Reversed	Workman's Compensation referee found menopause a factor in Plaintiff current condition
Fox v. Capital Co. 96 F.2d 684	1938	3d. Cir. Ct. of App.		contempt	Plaintiff in contempt for failing to appear under subpoena	to determine whether failure to appear was wrongful Reversed	doctor testified that Plaintiff shouldn't testify at bankruptcy hearing because "she was suffering from <i>the menopause</i> and was bordering on a complete nervous breakdown"
Lunt v. Lunt 121 S.W.2d 445	1938	Tex. App.		annulment/ divorce	annulment granted	to determine if husband's perjury warranted reversal of annulment Affirmed	husband had wife jailed and committed to an asylum while she was in menopause by falsely claiming her menopause made her insane, and then obtained annulment in her absence

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City of Beaumont v. Wiggins 136 S.W.2d 260	1940	Tex. App.		slip & fall	judgment for Plaintiff \$3500 damages	Defendant objected to jury instruction Reversed and remanded	Defendant alleged that part of Plaintiff's injuries were attributable to menopause
Hollis v. Ouachita Coca-Cola Bottling Co. 195 So.2d 376	1940	La. Ct. App.	45	Black Widow spider in Coca- Cola	judgment for Plaintiff \$600 damages	excessive damages Affirmed	Defendant attributed Plaintiff's symptoms to her menopause
Pearson v. Pearson 41 N.E.2d 725	1941	Ohio Ct. App.	50+	divorce	divorce granted	Plaintiff objected to amount of property awarded Affirmed	court stated it is "common knowledge" that women in menopause are at times "petulant, act irrationally and in an immoderate manner."
Alderman v. Kelly 32 A.2d 66	1943	Conn.		car accident	award to Plaintiff \$6,000 pain & suffering \$1,114 medical	excessive pain & suffering damages Affirmed	Defendant claimed Plaintiff's troubles were due to menopause

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Gray v. Gray 24 S.E.2d 444	1943	Va.	54	divorce	\$50/month alimony	Affirmed	wife defended against adultery charge by claiming that at the time in question, she was going through menopause, was in almost constant pain and hemorrhaging and was too sick to engage in alleged acts
American Employer's Ins. Co. v. Kellum 185 S.W.2d 113	1944	Tex. App.	43	Workman's Compensation	permanent & total disability \$5271	disability finding against weight of evidence Reversed and remanded	Defendant's doctor testified that Plaintiff's condition may reasonably be expected in "women of her age, approaching menopause"
Lee v. Lincoln Cleaning & Dye Works 15 N.W.2d 330	1944	Neb.	41	Workman's Compensation	administrative law judge awarded \$14.67/week for 300 weeks + medical— district court set aside award	award unsupported by evidence contrary to law Reversed district court decision	Defendant claimed Plaintiff was malingering or that her disability was due to menopausal hysteria, not electrical shock received at work
Sisson v. Sisson 36 Haw. 606	1944	Haw.		divorce	divorce granted	sufficiency of evidence to sustain divorce Reversed	wife offered testimony of her menopause to excuse her conduct

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Urfffer v. Urfffer 35 A.2d 580	1944	Pa. Super. Ct.		divorce	divorce denied	sufficiency of evidence to sustain charges Reversed	wife claimed “menopausal disturbance” to explain bad behavior
Hanson v. City Light & Traction Co. 178 S.W.2d 804	1944	Mo. Ct. App.	47	negligent installation of gas pipes	judgment for Plaintiff \$1750	erroneous admission of evidence Affirmed	doctors testified that Plaintiff's symptoms were subjective—due to menopause—Plaintiff claimed menopause occurred two years prior
Olin Indus., Inc. v. Industrial Comm'n 68 N.E.2d 259	1946	Ill.		Workman's Compensation	judgment for Plaintiff	judgment against weight of evidence Affirmed	company doctor testified that Plaintiff's condition was due to menopause but that he believed she was sincere and might be a traumatic neurotic
Richey v. Service Dry Cleaners 28 So. 2d 284	1946	La. Ct. App.		car accident	judgment for Plaintiff \$850	insufficient award Affirmed Damages increased to \$1500	Defendant argued that almost all medical treatment sought by Plaintiff was unnecessary or induced by nervousness caused by menopause

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Whiney v. Whiney 58 A.2d 183	1948	Pa. Super. Ct.	36	divorce	divorce granted	Affirmed	wife charged with behavior that made husband's life intolerable attempted to attribute her actions to a nervous ailment caused by menopause, but she offered no proof that she was in menopause
Schwarz v. Loew's Theatre & Realty Corp. 77 N.Y.S.2d 95	1948	N.Y.S.C. App. Div.		struck by car	verdict for Plaintiff \$15,000 court reduced to \$8500	excessive award Affirmed	dissent said the finding that Plaintiff's emotional problems and nervousness were caused by accident was against the weight of evidence because Plaintiff was suffering from menopausal disturbances
Glass v. Glass 63 A.2d 696	1949	Pa. Super. Ct.	43	divorce	divorce granted	lack of clear and satisfactory proof Reversed	court held that, although wife abused husband, divorce could not be granted because she was in menopause and had mental illness and therefore could not form the requisite intent

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Day v. Rains 220 S.W.2d 575	1949	Ky. Ct. App.	50	razor in Pepsi	judgment for Plaintiff \$2000	excessive award Affirmed	treating physician was questioned at length about possibility that Plaintiff's menopause caused or contributed to her condition.
Airline Motor Coaches v. Green 217 S.W.2d 70	1949	Tex. App.	47	bus accident	verdict for Plaintiff \$10,000	excessive verdict Affirmed	doctors testifying for Defendant said Plaintiff was suffering with menopause not head injury caused by accident
Mayor of Beverly v. First Dist. Court of Essex 97 N.E.2d 181	1951	Mass.		wrongful discharge	reinstated discharged police officer	Mayor's finding of wrongful conduct & discharge upheld	police officer accused of rape attempted to discredit victim by claiming she was suffering from hysteria due to menopause
Four Branches, Inc. v. Oechsner 73 So. 2d 222	1954	Fla.		Workman's Compensation elevator accident	Industrial Commission dismissed Plaintiff's claim	Commission findings were contrary to preponderance of evidence Affirmed	court said it was undisputed that at time of alleged accident Plaintiff was and had been <i>in the throes of menopause</i>

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Laurel Coca Cola Bottling Co. v. Hankins 75 So. 2d 731	1954	Mo.		poisoned Coca-Cola	verdict of Plaintiff \$12,000	excessive verdict Affirmed	Defendant alleged Plaintiff was passing through menopause when she drank the cola, that the menopause, not the cola, caused her nausea and that menopause caused her to exaggerate her injury
Brown v. Payne 264 S.W.2d 341	1954	Mo.	41	Workman's Compensation	verdict for Plaintiff \$10,000	excessive verdict Award reduced to \$7,000	Defendant claimed Plaintiff's chronic pain in head and arms, lack of appetite, nervousness, and irritability were caused by menopause, not by the accident
Stewart Co. v. Christmas 79 So. 2d 526	1955	Miss.		Workman's Compensation	Workman's Compensation Commission found Plaintiff qualified as dependent widow	Affirmed	Plaintiff and husband had not had sexual relationship for several years before his death because Plaintiff was passing through menopause; Defendant claimed lack of sexual relationship disqualified Plaintiff from status of wife or widow

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Yellow Cab & Baggage Co. v. Green 277 S.W.2d 92	1955	Tex.		cab accident	judgment for Plaintiff	inappropriate jury instructions Affirmed	prior infirmities, not accident, were cause of damages
Maroun v. New Orleans Public Serv., Inc. 83 So. 2d 397	1955	La. Ct. App.	54	bus accident	judgment for Plaintiff \$1000	insufficient award Affirmed	Plaintiff claimed accident aggravated pre-existing conditions and caused personality change; court said reasonable medical explanation for personality change and innumerable aches and pains was menopause
Hirsh v. Manley 300 P.2d 588	1956	Ariz.	52	car accident	judgment for Plaintiff \$11,250	excessive damages Remanded for new trial on issue of damages only	Defendant wanted jury instruction that no damages should be awarded to Plaintiff because of preexisting conditions of "obesity, menopause and/or poor posture,"—denied due to lack of evidence

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Pfautz v. Sterling Ins. Co. 135 A.2d 806	1957	Pa. Super. Ct.		insurance disability	judgment for Plaintiff	Affirmed	insurer attempted to avoid paying claim because Plaintiff had not reported treatment for menopause on application for insurance policy
Vogrin v. Forum Cafeterias of Am., Inc. 308 S.W.2d 617	1957	Mo.		slip & fall	verdict for Plaintiff \$1000 J.N.O.V. for Defendant	insufficiency of damage award Affirmed	Defendant's doctor said: there is a strong psychogenic overlay—Plaintiff is having menopausal symptoms which aggravate and prolong her symptoms
King v. King 152 So. 2d 889	1963	Miss.	53	suit for separate maintenance	\$80/month maintenance to wife	Reversed, No Maintenance	trial court observed that wife had not been in good health due to menopause
Cimijotti v. Cimijotti 121 N.W.2d 537	1963	Iowa	52	divorce	divorce granted	division of prop. inequalitute Affirmed divorce; Modified property division	husband tried to show wife's physical and emotional condition was due to menopause, not his cruel treatment of her

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Worthen v. Worthen 374 S.W.2d 935	1964	Tex. App.	60+	divorce	divorce denied	Reversed	wife allege cruel and inhumane treatment—husband asserted that ever since wife went through menopause 20 years ago she was withdrawn and erratic
Johnson v. Gulfport Laundry 162 So. 2d 859	1964	Miss.	44	Workman's Compensation	no damages	lack of substantial evidence to reverse order of attorney referee that awarded disability damages Affirmed	doctor testified that job was not the cause of Plaintiff's illness, rather she had an involuntional depressive reaction as a result of menopause
Beyer v. City of Dubuque 139 N.W.2d 428	1966	Iowa	70	slip & fall	judgment for Plaintiff \$25,000	verdict unsupported by evidence Affirmed	Defendant's expert testified that Plaintiff's back trouble was result of post-menopausal osteoporosis; Plaintiff's expert testified that she had undergone menopause 20 years earlier: osteoporosis would have developed earlier if caused by menopause

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<i>In re</i> St. John 272 N.Y.S.2d 817	1966	N.Y. Fam. Ct.	48	custody		habeas corpus proceeding to determine custody of child in foster care; Custody awarded to Department of Welfare	foster parents' request to adopt was rejected because Department of Welfare believed adoption of young child would be too stressful for menopausal foster mother
Reid v. Florida Real Estate Comm'n 181 So. 2d 846	1966	Fla. Dist. App.	49	Real Estate license revocation	license suspended	whether examiner's conclusions of law were correct Reversed	examiner concluded as a matter of law that Plaintiff's menopause and resulting "anxiety syndrome" rendered her unable to form the requisite intent with respect to alleged larceny.
Fielder v. Production Credit Ass'n 429 S.W.2d 307	1968	Mo. Ct. App.	65	Workman's Compensation	award to Plaintiff of \$818 plus \$16/week for 300 weeks + \$18/week for life	was award contrary to weight of evidence Affirmed	doctor stated Plaintiff had menopausal osteoporosis that predated the accident and that this was cause of disability
Danner v. Danner 206 So. 2d 650	1968	Fla. Dist. Ct. App.		divorce	Plaintiff wife's complaint reinstated	interlocutory appeal Affirmed	husband stated wife's alleged grievances and complaints were due to menopause

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Merritt v. Hemstead 206 So. 2d 718	1968	La. Ct. App.		car accident	verdict for Plaintiff \$9000	excessive award Affirmed	Plaintiff doctors said menopause can cause anxiety & depression but it was not a factor here
Montgomery v. Manos 440 P.2d 629	1968	Kan.		car accident	judgment for Defendant on injuries	verdict contrary to evidence Affirmed	Plaintiff had history of menopausal and emotional complaints prior to accident
Hicks v. Deer 222 So. 2d 88	1969	La. Ct. App.		custody	custody given to mother	whether trial court's decision was in best interest of child Affirmed	Defendant's mother testified she over reacted to statements made by Defendant because she was going through menopause
Walker v. State Personnel Bd. 94 Cal Rptr 132	1971	Cal. Ct. App.		employment	doctor dismissed; trial court reversed	Reversed	resident doctor was disciplined for focusing on patients menopause rather than on underlying emotional problems
Maryland Cas. Co. v. Davis 464 S.W.2d 433	1971	Tex. App.	42	Workmen's Compensation	judgment for Plaintiff	Affirmed	doctor testified menopause did not cause conjunctivitis—injury did

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Devillier v. Trader's & Gen. Ins. Co. 321 So. 2d 55	1975	La. Ct. App.		car accident	judgment for Plaintiff \$1000	inadequate award Affirmed	court found that at time of the accident Plaintiff was going through menopause causing her to be nervous and requiring medical treatment
Leasman v. Beech Aircraft Corp. 121 Cal. Rptr. 768	1975	Cal. Ct. App.		bad plane landing	summary judgment for Defendant	Affirmed	doctor attributed Plaintiff's emotional problems to marital problems, menopause, and alcohol consumption
Braun v. Ford Motor Co. 363 A.2d 562	1976	Md. Ct. Spec. App.		product liability —automobile	verdict for Defendant	improper jury conduct Affirmed	jurors had access to newspaper article on menopause; Plaintiff argued that similarity between her injuries and menopause symptoms described in article impaired the credibility of her evidence
McCommon v. Hennings 283 N.W.2d 166	1979	N.D.		car accident	jury found Defendant responsible for accident, but awarded no damages	lack of damage award was against the evidence at trial Affirmed	evidence showed Plaintiff could have been suffering from menopausal melancholia causing headaches, fatigue, irritability, and tension

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Shilling v. State Accident Ins. Fund 610 P.2d 845	1980	Or. Ct. App.	54	Workman's Compensation	judgment for Plaintiff	whether Plaintiff's illness was caused by job Affirmed	Defendant claimed Plaintiff's emotional distress caused by concerns about menopause, obesity, bronchitis, and her father's health problems, not overwork
Hayes v. Commercial Union Assurance Co. 459 So. 2d 1245	1984	La. Ct. App.	46	car accident	judgment for Plaintiff \$20,000	excessive award Affirmed	doctor said depression from accident not menopause
Keene v. Cracker Barrel Old Country Store, Inc. No. 01-A-01-9505-CV002211, 1995 WL 623070	Oct. 25, 1995	Tenn. Ct. App.		slip & fall	partial summary judgment for Defendant	whether genuine issue of material fact existed Reversed and Remanded	Defendant argued that injury common in post-menopausal women and Plaintiff was post-menopausal