IN THE COURT OF APPEALS OF IOWA

No. 2-508 / 91-1972

FILED
FEB 23 1993
CLERK SUPREME COURT

JAMES A. REENER; EVA B. REENER; FLOYD BECKHAM; JEAN BECKHAM; ROBERT LOUIS BECKHAM, A Minor Child, By and Through His Father and Next Friend, Floyd Beckham; and FLOYD RODDELL BECKHAM, A Minor Child, By His Father and Next Friend, Floyd Beckham,

Plaintiffs-Appellants/Cross-Appellees,

vs.

HILL & WILLIAMS BROS., INC.,

Defendant-Appellee/Cross-Appellant.

Appeal from the Iowa District Court for Linn County, Van D. Zimmer, Judge.

The plaintiffs appeal from a judgment for defendant in their action for damages due to injuries received in a traffic accident. **AFFIRMED.**

James R. Lawyer and Tom L. Drew of Lawyer, Lawyer, Dutton & Drake, West Des Moines, for appellants.

James E. Walsh, Jr., and Paul W. Demro of Clark, Butler, Walsh & McGivern, Waterloo, for appellee.

Considered by Hayden, P.J., and Sackett and Habhab, JJ.

PER CURIAM

Plaintiffs-appellants James A. Reener, Eva B. Reener, Floyd Beckham, Jean Beckham, Robert Louis Beckham, and Floyd Roddell Beckham appeal from a judgment for defendant-appellee and cross-appellant Hill & Williams Bros., Inc. in plaintiffs' action for damages for injuries received in a traffic accident in Tennessee. We affirm.

A vehicle in which plaintiffs James Reener and Floyd Beckham were passengers and a truck owned by defendant, an Iowa trucking firm, were involved in an accident on a freeway in Tennessee. The vehicle in which plaintiffs were riding stopped suddenly when the car ahead of them braked for a sofa that had fallen on a freeway during rush hour. The vehicle in which plaintiffs were riding was then hit by defendant's truck. Plaintiffs sued in Linn County, Iowa, for injuries sustained in the accident. The case was tried in Linn County, Iowa, and the jury returned a finding there was no negligence on the part of defendant.

Plaintiffs filed a motion for new trial. Plaintiffs contend the trial court erred in not granting their motion for new trial. Plaintiffs contend they are entitled to a new trial because of an erroneous submission to the jury of the defense of sudden emergency and unavoidable accident.

Plaintiffs have made no effort to show where in the record the issue raised on appeal was preserved for appellate review. Plaintiffs argue defendant asserted the

legal excuses of "sudden emergency" and "unavoidable accident" to absolve it of liability for the collision and the facts refute this conclusion and they should have a new trial. The parties are in agreement that Tennessee law was controlling on these issues.

Plaintiffs do not contend they objected to any instructions given by the trial court. Plaintiffs contend they raised the issue they now raise in a motion for new trial. Plaintiffs' argument does not discuss our scope of review. Plaintiffs have not directed us where in the motion for new trial this issue was raised. Plaintiffs have failed to even include the motion for new trial in the appendix. Iowa Rule of Appellate Procedure 14(a)(5) provides in relevant part:

> An argument. . . . Each division of the argument shall begin with a discussion, citing relevant authority, concerning the scope or standard of appellate review . . . and shall state how the issue was preserved for review, with references to the places in the record where the issue was raised and decided.

In their reply brief plaintiffs contend they alerted the trial court in their action for new trial to the trial court's alleged error in not granting plaintiffs' motion for directed verdict on liability and the giving of instructions pertaining to "sudden emergency" and unavoidable accident." Plaintiffs have failed to direct us where in the record the motion for directed verdict was made and have not even bothered to point out where in the

record the instructions they challenge on appeal appear. An issue raised for the first time in an appellant's reply brief will not be considered. See Young v. Gregg, 480 N.W.2d 75, 78 (Iowa 1992). Issues not raised at trial cannot be raised or reviewed on appeal. See Tri-State Ref. & Inv. Co. v. Opdahl, 481 N.W.2d 710, 713 (Iowa App. 1991).

We affirm.

AFFIRMED.