IN THE COURT OF APPEALS OF IOWA

No. 8-072 / 97-107

FILED
APR 24 1998
CLERK SUPREME COURT

THOMAS RICE and **RENE ZELLERS,**
Plaintiffs-Appellees,

vs.

CHRIS EMMONS,
Defendant-Appellant.

JEFFREY L. MULLEN and **CATHY A. MULLEN,**
Intervenors/Cross-Claimants/Appellees,

vs.

CHRIS EMMONS,
Defendant-Appellant,

and

RENEE ZELLERS,
Defendant to Cross-claim/Appellee,

and

KAREN RICE,
Third-Party Defendant.

Appeal from the Iowa District Court for Polk County, Robert Hutchinson, Judge.

Defendant appeals the district court judgment entered against him in this negligence action arising out of a four-vehicle collision. **AFFIRMED.**

Thomas R. Isaac of Isaac & Ramey Law Office, Des Moines, for appellant.

George W. Appleby, Des Moines, for appellees Jeffrey and Cathy Mullen.

Tom W. George of George Schwarz & Rogers, Des Moines, for appellees Karen and Tom Rice.

Thomas J. Berg of Elverson, Vasey & Peterson, L.L.P., Des Moines, for appellee Renee Zellers.

Considered by Sackett, P.J., and Vogel and Mahan, JJ.

VOGEL, J.

Appellant, Chris Emmons, appeals the trial court's finding he was a proximate cause of a multiple-vehicle accident and the court's apportionment of fault. As we find substantial evidence in the record supporting the trial court's findings, we affirm.

Four vehicles were traveling westbound on I-235 between the 63rd street entrance and the 8th street exit on September 6, 1994. Traffic congestion caused the first vehicle to stop. The second vehicle stopped. The third vehicle braked. The fourth vehicle, driven by Emmons, struck the third vehicle, which struck the second vehicle, which struck the first vehicle. The court attributed 75% of the fault to Emmons and 25% to the driver of the third car.

We review an action at law for correction of errors of law. Iowa R. App. P. 4. The district court's findings of fact have the force of a special verdict and are binding on us if supported by substantial evidence. Iowa R. App. P. 14(f)(1); *Downs v. Board of Trustees of Police Retirement System of City of Sioux City*, 312 N.W.2d 563, 566 (Iowa 1981). Evidence is substantial or sufficient when a reasonable mind would accept it as adequate to reach the same findings. *Waukon Auto v. Farmers & Merchants Sav. Bank*, 440 N.W.2d 844, 846 (Iowa 1989). Evidence is not insubstantial merely because it could support contrary inferences. *Grinnell Mut. Reinsurance Co. v. Voeltz*, 431 N.W.2d 783, 785 (Iowa 1988); *Wells v. Dallas County Bd. of Adjustment*, 475 N.W.2d 680, 682 (Iowa App. 1991). We construe the trial

court's findings broadly and liberally. *Grinnell Mut. Reinsurance Co.*, 431 N.W.2d at 785. In case of doubt or ambiguity we construe the findings to uphold, rather than defeat, the trial court's judgment. *Id.* We are prohibited from weighing the evidence or the credibility of the witnesses. *Id.*

Proximate Cause. Our review of the record reveals substantial evidence supporting the district court's determination of proximate cause. The driver of the car ahead of Emmons testified she had stopped when Emmons struck her from behind and pushed her forward into car number two. The driver in car number one heard a collision before he felt an impact with his vehicle. While the exact chain of events was disputed, there was substantial evidence that Emmons was driving too fast for the conditions and failed to stop within an assured clear distance ahead, causing, in part, the damage to the vehicles. We affirm the district court on this issue.

Apportionment of Fault. Iowa Rule of Appellate Procedure 14(a)(3) requires in part: "Not less than one nor more than four authorities under each separately stated issue shall be so indicated. Failure in the brief to state, to argue or to cite authority in support of an issue may be deemed waiver of that issue." *Id.* Emmons did not cite any authority in support of his claim the district court's apportionment of fault was not supported by "substantive evidence in the record." We deem the issue waived and affirm the district court's decision.

AFFIRMED.