

IN THE CIRCUIT COURT OF COUNTY, MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO.

DEFENDANT

RESPONSE TO PLAINTIFF'S MOTION FOR ADDITUR OR NEW TRIAL

COMES NOW, the Defendant, , by and through undersigned counsel, and files this its response to Plaintiff's Motion for Additur or New Trial and in support thereof, would show unto this honorable Court the following facts and circumstances, to-wit:

I.

Pursuant to Miss. Code Ann. 11T155 (1972), an additur can only be awarded if this Court finds:

1. The jury was influenced by bias, prejudice, or passion; or
2. The damages awarded by the jury were contrary to the overwhelming weight of the credible evidence.

II.

The jury's verdict of \$ does not reflect bias, prejudice, or passion on the part of the jury and is not contrary to the overwhelming weight of the credible evidence. At trial, Plaintiff introduced evidence that he/she incurred \$ in medical expenses some of which the jury obviously felt were unrelated to the , incident at or unnecessary and unreasonable. Evidence of lost wages was also presented to the jury although no precise figure was established. The jury obviously felt these damages had been greatly exaggerated by the Plaintiff or that the Plaintiff had failed in his/her duty to properly mitigate. Nevertheless, the jury returned a verdict nearly \$ in excess of Plaintiff's medical expenses. As such, the verdict of the jury was proper and Plaintiff's Motion for Additur or New Trial should be denied.

WHEREFORE, PREMISES CONSIDERED, the Defendant respectfully requests that this Court deny Plaintiff's Motion for Additur and enter Judgment on the jury's verdict of \$.

RESPECTFULLY SUBMITTED, this the day of , .

, DEFENDANT

OF COUNSEL:

CERTIFICATE OF SERVICE

I, the undersigned counsel for the Defendants, do hereby certify that, this day, I have forwarded, through U. S. Mail, postage prepaid, a true and correct copy of the above and foregoing

RESPONSE TO MOTION FOR ADDITUR OR NEW TRIAL to:

This the day of , .
