

IN THE _____ COURT OF _____ COUNTY
STATE OF _____

_____)	
)	
)	
Petitioner/Plaintiff,)	
)	
Vs.)	NO. _____
)	
_____)	
Respondent/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 _____. Code Ann. _____ (_____), 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 she incurred \$_____ in medical expenses some of which the jury obviously felt were unrelated to the _____ day of _____, 20____ 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 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,

Dated: _____

Name: _____

Title:

Address:

Address:

City, State, Zip:

Phone:

Fax:

E-Mail:

Attorney No.:

CERTIFICATE OF SERVICE

I, _____, do hereby certify that I have this day mailed, U.S. Mail, postage prepaid, a true and correct copy of the above and foregoing to _____, at the following address;

THIS the ____ day of _____, 20____.