

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 01-60112
Summary Calendar

JUDITH WILLIAMS, ET AL.,

Plaintiffs,

JUDITH WILLIAMS,

Plaintiff-Appellant,

VERSUS

K MART CORPORATION,

Defendant-Appellee.

Appeal from the United States District Court
For the Southern District of Mississippi

(3:99-CV-597-WS)

August 21, 2001

Before DeMOSS, PARKER, and DENNIS, Circuit Judges.

PER CURIAM:*

Judith Williams sued K-Mart in state district court in Mississippi to recover for injuries sustained by Williams when a

*Pursuant to 5TH CIR. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

storage box fell on her head and neck while she was shopping in a K-Mart store. K-Mart removed to the federal district court on diversity jurisdiction. The case was tried to a jury which awarded a verdict in favor of Williams and found damages in the amount of \$110,000 consisting of \$10,000 for permanent injuries and \$100,000 for doctor bills, prescriptions and medications, both past and future. The jury did not award any sum for past or future pain and suffering. The testimony indicated that plaintiff had sustained approximately \$27,000 of past medical expenses and she testified that there would be approximately \$36,000 of future medical expenses. Consequently, the award of \$100,000 was substantially in excess of the amount of the testimony for past and future medical bills. The district court entered judgment on the jury verdict. Williams moved for a new trial on damage issues only and the district court denied that motion. Williams appealed.

We have carefully reviewed the briefs, the record excerpts, and relevant portions of the record itself. We are unable to say that the district court abused its discretion by denying the motion for new trial.

Accordingly, the judgment below is

AFFIRMED.