

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-60222
Summary Calendar

LENIS IRENE MULLINS and EVERETT D. MULLINS,
Plaintiffs-Appellees,

VERSUS

WAL-MART STORES, INC.,
Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Mississippi
(3:95-CV-178)

April 7, 1999

Before DAVIS, DUHÉ, and PARKER, Circuit Judges.

PER CURIAM:*

Wal-Mart Stores, Inc. ("Wal-Mart") appeals the denial of its motion for new trial or, in the alternative, a remittitur. We affirm.

Plaintiffs Lenis Irene Mullins and Everett D. Mullins brought suit against Wal-Mart to recover damages sustained when Mrs.

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Mullins slipped and fell and suffered personal injuries in a Wal-Mart Store. After jury trial, the jury returned a verdict for plaintiffs, assessing no damages for Mr. Mullins and \$50,000 for Mrs. Mullins. Wal-Mart moved for new trial or, in the alternative, for remittitur, contending, *inter alia*, that the district court erred in not granting a mistrial on motions made by Wal-Mart during trial. On appeal, Wal-Mart argues that the district court erred in denying this motion.

Specifically, Wal-Mart alleges that the jury, prejudiced by repetitious and leading questions and improper comments by Plaintiffs' counsel in response to Wal-Mart's objections, returned a verdict against the weight of the evidence. Further, Wal-Mart alleges that because they were forced by Plaintiffs' counsel's egregious conduct to make numerous objections, the jury was led to believe Wal-Mart had something to hide.

Having reviewed the record, we conclude that the district court did not abuse its discretion in denying Wal-Mart's motion for new trial or, in the alternative, for remittitur. *See Hiltgen v. Sumrall*, 47 F.3d 695, 703 (5th Cir. 1995).

AFFIRMED.