

STATE OF MICHIGAN
COURT OF APPEALS

R. JOHN MOUSER and DONNA M. MOUSER,
Personal Representatives of the Estate of DONALD
JASON MOUSER, deceased,

UNPUBLISHED
July 1, 1997

Plaintiffs-Appellants,

v

GERALD ALBERT BORNAMAN, MARY L.
BORNAMAN, and BRIAN ANDREW
BORNAMAN,

No. 186489
Calhoun Circuit Court
LC No. 93-003484-NI

Defendants-Appellees.

Before: Young, P.J., and O’Connell and Nykamp*, JJ.

PER CURIAM.

Plaintiffs sued defendants for the wrongful death of their son, who was killed in an automobile-pedestrian accident. The jury awarded plaintiffs economic damages of \$4,359.15 and no noneconomic damages. Plaintiffs moved for a new trial on the basis that the verdict was against the great weight of the evidence. The trial judge denied plaintiffs’ motion. Plaintiffs appeal from the trial judge’s order denying their motion for a new trial. We affirm.

Plaintiffs argue that the trial judge abused his discretion by not ordering a new trial on the basis that the jury’s assessment of economic and noneconomic damages was inadequate and contrary to the great weight of the evidence. We disagree. Although John Mouser testified that plaintiffs’ total actual expenses amounted to \$5,356.51, the reasonableness and necessity of the non-medical expenses could be questioned by the jury. *Moore v Spangler*, 401 Mich 360, 375-378; 258 NW2d 34 (1977). Nor are we willing to second-guess the jury’s assessment of plaintiffs’ noneconomic damages. There is no absolute standard by which to measure pain and suffering; such awards rest within the sound judgment of the trier of fact. *Bosak v Hutchinson*, 422 Mich 712, 736; 375 NW2d 333 (1985). In view of the evidence presented, we cannot find that the jury’s verdict was so grossly inadequate as to shock the conscience. The trial judge did not abuse his discretion by denying plaintiffs’ motion for a new trial.

* Circuit judge, sitting on the Court of Appeals by assignment.

Bosak, supra; Moore, supra. Since we are not ordering a retrial it is not necessary to address plaintiffs' argument that a new trial should be limited solely to the issue of damages.

Affirmed.

/s/ Robert P. Young, Jr.

/s/ Peter D. O'Connell

/s/ Wesley J. Nykamp