

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 06-10132

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT
December 19, 2006
THOMAS K. KAHN
CLERK

D. C. Docket No. 03-01269 CV-WSD-1

MARCELINO PEREZ-HERNANDEZ,
JOAQUIN COELLO, as Next Friend of
Myra Yeje, Nathaly Yeje, Dedrick Shemar Cash and
Ana Vera, minor children of Angelica Urena,
LIDIA AMADOR, Individually as surviving mother
of Carlos Resendiz, her deceased son, et al.,

Plaintiffs-Appellants,
Cross-Appellees,

ALEJANDRO RUIZ,

Appellant,

versus

MINITUBISHI MOTORS CORPORATION,
a foreign corporation,
MINITUBISHI MOTORS NORTH AMERICA,
a foreign corporation,

Defendants-Appellees
Cross-Appellants.

Appeal from the United States District Court
for the Northern District of Georgia

(December 19, 2006)

Before DUBINA and WILSON, Circuit Judges, and HODGES,* District Judge.

PER CURIAM:

This is a tragic case involving the deaths of four people after a 1994 Mitsubishi Montero rolled over three times on Interstate 285 in Fulton County, Georgia.

After a trial by jury, the jury returned a verdict in favor of Mitsubishi. Appellants seek to overturn the jury verdict and obtain a new trial based on two discretionary rulings made by the district court.

First, regarding references to Mitsubishi's compliance with the Federal Motor Vehicle Safety Standards, even if we assumed error, it was harmless because of the district court's jury instructions.

*Honorable Wm. Terrell Hodges, United States District Judge for the Middle District of Florida, sitting by designation.

Second, we see no abuse of discretion in the district court's limitation of the scope of Gilbert's testimony on the rim gouge issue. At trial, appellants did not meet their burden of establishing the reliability of Gilbert's testimony on the rim gouge.

Finally, we conclude from the record that the district court properly ruled on the removal of the Amador appellants' case and the consolidation of the two actions. Accordingly, we affirm the judgment entered on the jury's verdict.¹

AFFIRMED.

¹We also affirm the district court's ruling on Mitsubishi's cross-appeal.