

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

June 12, 2009

Charles R. Fulbruge III  
Clerk

\_\_\_\_\_  
No. 08-30807  
Summary Calendar  
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RONNIE J THORNTON

Plaintiff-Appellee

v.

DIAMOND OFFSHORE MANAGEMENT COMPANY; DIAMOND  
OFFSHORE SERVICES COMPANY

Defendants-Appellants

\_\_\_\_\_  
Appeal from the United States District Court  
for the Eastern District of Louisiana  
2:07-CV-1839  
\_\_\_\_\_

Before DAVIS, GARZA, and PRADO, Circuit Judges.

PER CURIAM:\*

Following a jury award in favor of Plaintiff Ronnie Thornton, Defendants Diamond Offshore Management Company and Diamond Offshore Services Company moved for a new trial or remittitur. The district court denied the motion, and the Defendants now appeal. The Defendants contend that they were entitled to relief from the jury award because (1) the award of \$2.5 million

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

in general damages was disproportionate and excessive; (2) the award of \$563,343 in lost future wages was not supported by the evidence; and (3) the jury's allocation of fault was not supported by the evidence.

“The decision to grant or deny a motion for new trial or remittitur rests in the sound discretion of the trial judge; that exercise of discretion can be set aside only upon a clear showing of abuse.” *Eiland v. Westinghouse Elec. Corp.*, 58 F.3d 176, 183 (5th Cir. 1995); *see Foradori v. Harris*, 523 F.3d 477, 504 (5th Cir. 2008). After reviewing the record, we conclude that the Defendants were not entitled to a new trial or remittitur for essentially the reasons stated in the district court's Order and Reasons. Accordingly, the district court did not abuse its discretion.

AFFIRMED.