

United States Court of Appeals  
For the Eighth Circuit

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No. 21-1258

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Phelipe A. Linstrom

*Plaintiff - Appellant*

v.

Quiktrip Corporation

*Defendant - Appellee*

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Appeal from United States District Court  
for the Western District of Missouri - Kansas City

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Submitted: August 30, 2021

Filed: September 2, 2021

[Unpublished]

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Before BENTON, KELLY, and ERICKSON, Circuit Judges.

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PER CURIAM.

Phelipe Linstrom appeals following the district court's<sup>1</sup> denial of his motion for a new jury trial in his civil action. He argues that the district court abused its

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<sup>1</sup>The Honorable David Gregory Kays, United States District Judge for the Western District of Missouri.

discretion in sustaining Quiktrip Corporation's objections to portions of the deposition testimony of Linstrom's expert witnesses and not allowing those portions to be read to the jury. After careful review, we conclude that the ruling was proper for the reasons stated by the district court, and the district court therefore did not abuse its discretion. See McPheeters v. Black & Veatch Corp., 427 F.3d 1095, 1101 (8th Cir. 2005) (“[W]e accord the district court wide discretion in admitting and excluding evidence, and its decision will not be disturbed unless there is a clear and prejudicial abuse of discretion.” (quotation omitted)). Moreover, Linstrom has not shown that the district court's ruling substantially influenced the jury's verdict. See id. (“We will not reverse a judgment on the basis of erroneous evidentiary rulings absent a showing that those rulings had a substantial influence on the jury's verdict.”). Accordingly, we affirm. See 8th Cir. R. 47B.

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