

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

WILLIAM MOORE

CIVIL ACTION

VERSUS

NO. 10-311

OMEGA PROTEIN, INC., et al.

SECTION "N" (4)

**ORDER AND REASONS**

Before the Court is Plaintiff's Motion for New Trial (Rec. Doc. 68). This motion is opposed by Defendants Omega Protein, Inc. and M/V RACCOON POINT ("hereinafter, collectively, "Omega") (Rec. Doc. 70). Specifically, Plaintiff requests that this Court grant a new trial, arguing that the jury's verdict was against the great weight of the evidence.

Rule 59(a) of the Federal Rules of Civil Procedure provides in part that a court may grant a motion for new trial "for any reason for which a new trial has heretofore been granted in an action at law in federal court." The decision to grant or deny a motion for new trial falls within the sound discretion of the district court. *Foradori v. Harris*, 528 F.3d 477, 503-04 (5th Cir.2008). "A district court can grant a motion for new trial if the first trial was unfair or if the jury verdict was against the great weight of the evidence." *Cates v. Creamer*, 431 F.3d 456, 460 (5th Cir.2005); see also *Smith v. Transworld Drilling Co.*, 773 F.2d 610, 613 (5th Cir.1985)(a district court may grant a new trial if the verdict is against the weight of the evidence, the damages awarded are excessive, the trial is unfair, or prejudicial error was committed in the

course of the trial).

The Court, having reviewed the record, the applicable law, and memoranda of counsel, finds, for substantially the same reasons stated by Omega, that Plaintiff has not demonstrated that the jury's verdict was against the great weight of the evidence. Accordingly,

**IT IS ORDERED** that Plaintiff's Motion for New Trial (Rec. Doc. 68) is **DENIED**.

New Orleans, Louisiana, this 27th day of May 2011.



KURT D. ENGELHARDT  
United States District Judge

A handwritten signature in black ink, appearing to read "Kurt D. Engelhardt, Jr.", is written over a horizontal line. Below the signature, the name "KURT D. ENGELHARDT" is printed in capital letters, followed by "United States District Judge".