

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

CLAUDE PEA

CIVIL ACTION

VERSUS

NO: 13-542

CITY OF PONCHATOULA & ROBERT  
F. ZABBIA

SECTION: "A" (4)

**ORDER AND REASONS**

Before the Court is a **Motion for New Trial (Rec. Doc. 62)** filed by plaintiff, Claude Pea. Defendants, the City of Ponchatoula and Robert F. Zabbia, oppose the motion. The motion, noticed for submission on November 19, 2014, is before the Court on the briefs without oral argument.

On September 15, 2014, the jury returned its verdict on plaintiff Claude Pea's suit against his former employer, the City of Ponchatoula, and its mayor, Robert F. Zabbia. The jury made two factual determinations that were the death knell of Pea's First Amendment retaliation claims. First, the jury concluded that Pea was not terminated from his employment. But even more importantly, even if he was terminated, the jury found that the exercise of Pea's protected First Amendment rights was not a factor in the decision to terminate him. (Rec. Doc. 59-2, Verdict Form at 1).


After a jury trial, the Court may grant a new trial where the evidence is against the *great weight* of the evidence. *Moore v. Omega Protein, Inc.*, 459 Fed. Appx. 339, 340 (5<sup>th</sup> Cir. 2012) (unpublished); Fed. R. Civ. Pro. 59(a)(1)(A). The jury's determination that the exercise of protected rights was not a substantial or motivating factor in the decision to terminate Pea was not against the great weight of the evidence. Pea's evidence of retaliation

was underwhelming, and the jury obviously found Zabbia to be a credible witness. Pea is not entitled to a new trial.

Accordingly, and for the foregoing reasons;

**IT IS ORDERED** that the **Motion for New Trial (Rec. Doc. 62)** filed by plaintiff, Claude Pea is **DENIED**.

December 9, 2014

  
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JAY C. ZAINY  
UNITED STATES DISTRICT JUDGE