UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SCOTT E. McKENNA

      Plaintiff,   Case No. 04-74546

v.   Hon. John Corbett O'Meara

CITY OF ROYAL OAK,
P. CLONAN,
PERRY EDGELL and
BRIAN HONSOWETZ

      Defendants.

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ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION

Before the court is Plaintiff's motion for reconsideration of the court's order granting remittitur. The motion was filed August 4, 2008. Defendant's response was filed September 2, 2008. As the court noted in its opinion granting remittitur, the amount awarded to the Plaintiff by the jury for pain and suffering is excessive, and it shocks this court. The record indicates that any emotional distress suffered by Plaintiff was minimal. At most, Plaintiff has some apprehension of police officers. But this apprehension, has no basis in the actions of Defendant Officers, as it is clear that Plaintiff's medical condition kept him from remembering any of the events of the officers' assistance at Plaintiff's home, or his ambulance ride to the hospital.

Plaintiff has ten days from the entry of this order to decide whether to accept or reject remittitur. Bisbal-Ramos v. Mayaguez, 46 F.3d 16, 26-27 (1st Cir. 2006). Should Plaintiff reject remittitur, a new trial will take place to consider both the issues of damages and liability, as this court agrees that the issues of damages and liability are intertwined and that the best approach is to have a new jury consider both issues.

Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion for reconsideration of the court's order granting remittitur is DENIED. Plaintiff shall have ten days from the entry of

this order to accept or reject remittitur. Should he reject the remittitur, the court will schedule a

new trial on both damages and liability.

s/John Corbett O'Meara
United States District Judge

Date: September 5, 2008

I hereby certify that a copy of the foregoing document was served upon the parties of record on
this date, September 5, 2008, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager