

**Case No. 1:16cv299-SNLJ**

he sought compensation for his lost 19 bales. Evidence showed that his yield would have been 12.5 bales if he had properly cared for his crop, however. The plaintiff was allowed to recover only for 12.5 bales and not the 19 bales he sought. *Faire*, 252 S.W.2d at 294.

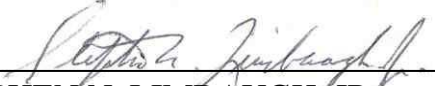
Here, plaintiffs may not recover for injuries that could be avoided. As a result, the Court will grant summary judgment to defendants on the limited matter that plaintiffs may not seek damages based on Guenthner's "alternative" \$42 million damages calculation.

The December 20 Memorandum and Order [#282] is otherwise unaffected by this memorandum and order.

Accordingly,

IT IS HEREBY ORDERED that the defendants motion for summary judgment on damages [#224] is GRANTED in part, and plaintiffs may not seek damages based on their expert's \$42 million damages calculation.

So ordered this 26th day of December, 2019.

  
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STEPHEN N. LIMBAUGH, JR.  
UNITED STATES DISTRICT JUDGE