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DISTRICT COURT
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IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

<p>KRISTIN FOOTE, Plaintiff, vs. ROGER SPIEGEL, et al., Defendants.</p>	<p>ORDER Case No. 2:94-CV-754(C)</p>
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This matter is before the court on plaintiff's motion to amend the judgment or for a new trial on damages. Having determined that oral argument would not materially assist in the resolution of the questions presented by plaintiff's motion, the court will rule on the basis of the written memoranda without the assistance of oral argument pursuant to D. Ut. 202(d).

Plaintiff argues that the jury was improperly instructed and that the improper jury instructions allowed the jury to reach a verdict contrary to the overwhelming weight of the evidence. Specifically, plaintiff objects to the court's refusal to instruct the jury that Davis County was deliberately indifferent to plaintiff's rights and that the jury should consider the plaintiff's "anxiety, shame [and] mortification" in awarding damages. Plaintiff further claims that the nominal damages instruction given by the court was inappropriate.

After thoroughly reviewing the jury instructions in their entirety, the court finds that the instructions accurately stated the law of this circuit. See Summers v. Missouri Pacific Railroad

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System, 132 F.3d 599, 606 (10th Cir. 1997) (reiterating that jury instructions in their entirety must correctly state the governing law). Furthermore, plaintiff is not entitled to a new trial or an amended judgment because the jury verdict was not “clearly, decidedly, or overwhelmingly against the weight of the evidence” when viewed in the light most favorable to the defendants.

Anaeme v. Diagnostek, Inc., 164 F.3d 1275, 1284 (10th Cir. 1999) (internal quotations omitted).

For the foregoing reasons, plaintiff’s motion to amend the judgment or for a new trial on damages is DENIED.

SO ORDERED this 9 day of April, 1999.

BY THE COURT:

A handwritten signature in black ink that reads "Tena Campbell". The signature is written in a cursive, flowing style.

TENA CAMPBELL
United States District Judge

United States District Court
for the
District of Utah
April 12, 1999

* * MAILING CERTIFICATE OF CLERK * *

Re: 2:94-cv-00754

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