

STATE OF MICHIGAN
COURT OF APPEALS

RAYMOND A. CASSAR,

Plaintiff-Appellee,

v

SAMI H. SOUDANI,

Defendant-Appellant.

UNPUBLISHED

August 1, 1997

No. 191184

Oakland Circuit Court

LC No. 93-4642010-CZ

Before: Doctoroff, P.J., and MacKenzie and Griffin, JJ.

PER CURIAM.

Defendant appeals as of right an order denying his motions for a new trial, judgment notwithstanding the verdict, and remittitur. We affirm.

After having thoroughly reviewed the record, we agree with the circuit court's well-reasoned opinion which concludes that defendant failed to establish grounds for a new trial. See MRE 103(a); MCR 2.611(A)(1); *Freddie v Holland Ladder & Mfg Co*, 207 Mich App 127, 130; 523 NW2d 849 (1994); see also MCR 2.111(F)(2) and (3); *Iron Co v Sandbag, Carson & Associates*, 222 Mich App 120, 124; ___ NW2d ___ (1997); *Lakeshore Community Hosp, Inc v Perry*, 212 Mich App 396, 402; 538 NW2d 24 (1995); *Gooney v Motor Parts Federal Credit Union*, 192 Mich App 74, 79; 480 NW2d 297 (1991); *Gore v Rains & Block*, 189 Mich App 729, 737; 473 NW2d 813 (1991); *Ledbetter v Brown City Bank*, 141 Mich App 692, 703; 368 NW2d 257 (1985). Prejudice, if any, resulting from the alleged improper remarks by plaintiff's counsel could have been remedied by a timely request for a curative instruction. *Hunt v CHAD Enterprises, Inc*, 183 Mich App 59, 65; 454 NW2d 188 (1990). We find no manifest injustice under the circumstances of this case.

We also agree with the portion of the trial court's opinion and order that rejects defendant's motion for judgment notwithstanding the verdict, see *Zander v Ogihara*, 213 Mich App 438, 441; 540 NW2d 702 (1995), and with its rationale for concluding that defendant failed to establish grounds for remittitur. See, generally, *Phillips v Deihm*, 213 Mich App 389, 404; 541 NW2d 566 (1995); see also *Sias v General Motors Corp*, 372 Mich 542, 551-552; 127 NW2d 357 (1964).

For the reasons stated in the lower court's opinion and order, we hold that the trial court did not abuse its discretion in denying defendant's posttrial motions.

Affirmed. Plaintiff being the prevailing party may tax costs pursuant to MCR 7.219.

/s/ Martin M. Doctoroff

/s/ Barbara B. MacKenzie

/s/ Richard Allen Griffin