FILED
NOV 28 1994
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

No. 4-447 / 93-1939

CAROLE ANN GORDON,

Plaintiff-Appellant,

vs.

MICHAEL McCLAIN,

Defendant-Appellee.

Appeal from the Iowa District Court for Audubon County, Keith E. Burgett, Judge.

Gordon challenges the denial of the motion for new trial claiming the jury's verdict was inadequate as it failed to award her future damages for pain and suffering. **AFFIRMED.**

William T. Early and Robert Kohorst of the Kohorst Law Firm, Harlan, for appellant.

Philip Willson of Willson & Pechacek, P.L.C., Council Bluffs, for appellee.

Heard by Sackett, P.J., and Habhab and Huitink, JJ.

SACKETT, P.J.

Plaintiff-appellant Carole Ann Gordon appeals following a jury verdict awarding her $1662.98 in damages for injuries she allegedly received when a BB gun owned by defendant-appellee Michael McClain discharged and shot a BB in plaintiff's right buttock. Plaintiff claims the trial court erred in denying her motion for new trial when the jury returned what she contends was an inadequate damage award. We affirm.

Plaintiff contends the verdict was flawed because the jury failed to award her any compensation for "future physical and mental pain and suffering."

The jury was given the following interrogatory which required their deciding on four elements of damages:

> State the amount of damages sustained by plaintiff for each of the following items of damage. . . . If the plaintiff has failed to prove any item of damage, enter 0 for that item.
>
> | | | |
> |---|---|---|
> | 1. | Past medical expenses | $ 523.78 |
> | 2. | Past lost wages | $ 139.20 |
> | 3. | Past physical and mental pain and suffering | $1000.00 |
> | 4. | Future physical and mental pain and suffering | $ 0.00 |
> | TOTAL (add the separate items of damage) | | $1662.98 |

Plaintiff's claim is the jury improperly rejected her claim for future physical and mental pain because the BB remains in her buttock. Plaintiff brought this matter to the trial court's attention in a motion for new trial and now raises it on appeal.

An inadequate damage award merits a new trial. Witte v. Vogt, 443 N.W.2d 715, 716 (Iowa 1989).

Plaintiff seems to contend the fact a BB remains in her buttock requires an award for future physical and mental pain and suffering. Two medical doctors offered evidence at the trial. It was not recommended to plaintiff by either doctor that she have the BB removed. The BB was not close to any nerves or blood vessels. Plaintiff complained of pain in the area where the BB remained. Dr. William R. Hamsa, Jr., M.D., testified he could not say absolutely the BB could not cause some pain in the area where it remained. Dr. Donald T. Stroy testified he did not feel the BB was the cause of the symptoms of pain in her buttock.

The jury is required to itemize damages. Each itemization is a special jury finding that must be supported by substantial evidence or a new trial should be granted. See Cowan v. Flannery, 461 N.W.2d 155, 158 (Iowa 1990). The jury could have found Plaintiff would have no future mental or physical pain from the BB. That is the only question the interrogatory asked. The trial court did not abuse its discretion in not awarding a new trial.

AFFIRMED.