

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 11-13816
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT MARCH 8, 2012 JOHN LEY CLERK
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D. C. Docket No. 1:09-cv-01933-SCJ

RITA THOMAS,

Plaintiff-Appellant,

versus

PUBLIX SUPER MARKETS, INC.,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Georgia

(March 8, 2012)

Before TJOFLAT, BARKETT and ANDERSON, Circuit Judges.

PER CURIAM:

This is a personal injury case. Plaintiff Rita Jones was injured on a Sunday

afternoon, March 15, 2009, while in the produce department of a Publix supermarket. While she was reaching for an onion she encountered an unidentified odor which caused respiratory irritation; she fell to her knees coughing and vomited. After the parties joined issue and engaged in discovery, Publix moved the district court to exclude the opinion testimony of Jones's expert witness under Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579, 113 S.Ct. 2786, 125 L. Ed.2d 469 (1993), and for summary judgment. The court, in a comprehensive order dated July 21, 2011, granted both motions.

Jones appeals the summary judgment and the court's order excluding her expert's opinion testimony. We find no abuse of discretion in the district court's exclusion of the expert's testimony and therefore affirm its ruling. And we find no error in the the district court's ruling that the doctrine of res ipsa loquitur is inapplicable in this case and in its decision granting Publix summary judgment.

AFFIRMED.