

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-31390

NORTH WEST GEOMATICS CANADA, INC,

Plaintiff-Appellant,

versus

ENGLAND JET CENTER, INC.,

Defendant-Appellee.

Appeal from the United States District Court
for the Western District of Louisiana
Civil Docket #1:98-CV-842

November 8, 2000

Before GOODWIN*, GARWOOD, and JONES, Circuit Judges.

PER CURIAM:*

The court has carefully considered this appeal in light of the briefs, record excerpts, arguments and pertinent portions of the record.

Having done so, we find no clear error in the district court's holding that appellant failed to prove lost profits in accord with the test applicable in Louisiana. There was

*Circuit Judge of the Ninth Circuit, sitting by designation.

*Pursuant to 5TH CIR. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

insufficient evidence to support findings that the leased aircraft's lease would have been extended from April 9 through July 8; that another aircraft would have been sent to Venezuela to perform the PITSA II contract; or that any other specific profit opportunities were foregone after the loss of the leased aircraft. We therefore do not reach the court's findings concerning the amount of lost profits. Additionally, the district court did not abuse its discretion by refusing to allow appellant to amend its complaint and assert a vicarious punitive damage claim, which is both fact intensive and novel in Louisiana, only a few days before trial.

For these reasons, the judgment of the district court is AFFIRMED.