

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

April 27, 2010

No. 09-30605 cons/W 09-30934
Summary Calendar

Lyle W. Cayce
Clerk

MOTHARAM, INC.

Plaintiff-Appellant

v.

SCOTTSDALE INSURANCE COMPANY

Defendant-Appellee

Appeals from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:07-CV-4499

Before JOLLY, WIENER, and ELROD, Circuit Judges.

PER CURIAM:*

Plaintiff-Appellant Motharam, Inc. instituted this action against Defendant-Appellee Scottsdale Insurance Company ("Scottsdale"), the issuer of the insurance policy covering Motharam's immovable property located at 637 Canal Street, New Orleans, Louisiana, that was damaged by wind and rain during Hurricane Katrina. In its lawsuit, Motharam sought recovery from Scottsdale in an amount greater than it had already paid on Motharam's claim.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

After a two-day trial, the jury rejected Motharam's demands, and the district court entered judgment dismissing Motharam's action with prejudice.

Thereafter, the district court entered an order denying Motharam's motions for judgment as a matter of law under Rule 50(b) (which Motharam had waived by failing to file a motion therefor at the close of the evidence) and, alternatively, for a new trial under Rules 59(a) and 60. In so doing, the district court patiently and exhaustively laid out the factual and legal bases for its denials. Then, after Motharam filed a motion to reconsider that order, the district court again set forth in detail the factual and legal bases for denying reconsideration.

We have now examined the extensive record on appeal and the relevant facts and applicable law as set forth in the briefs of the parties and as supplemented by our independent research. As a result, we are convinced that the correctly conducted jury trial and the verdict reached by the jury are fully sustainable and free of reversible error, that the motions for judgment as a matter of law, new trial, and reconsideration filed by Motharam were correctly rejected by the district court for the cogent reasons set forth in its orders of August 27 and September 24, 2009, and that the judgment of the district court must be, and hereby is, **AFFIRMED**.