

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-40604

ANNIE C. BURTON,

Plaintiff-Appellant-Cross-Appellee,

versus

THE COUNTY OF GALVESTON,

Defendant-Appellee-Cross-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
Civil Docket #G-98-CV-603

October 1, 2001

Before JONES, SMITH, and DeMOSS, Circuit Judges.

PER CURIAM:*

The court has carefully considered this appeal in light of the briefs, oral argument, and pertinent portions of the record. Having done so, we conclude that the jury finding that "the Defendant's acts" were not the proximate cause of damages to Burton is reconcilable with the finding that Burton's exercise of her

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

First Amendment rights was a substantial or motivating factor in the County's decision to terminate her employment.

This court is required to reconcile the jury's findings under the Seventh Amendment if at all possible. Ellis v. Weasler Eng'g., Inc., 258 F.3d 326, 343 (5th Cir. 2001). We may set aside the jury's verdict only if there is no view of the case that makes the answers consistent. Id. The jury could have disbelieved Burton's evidence that she suffered damages from the termination; it could have believed that her termination was inevitable, notwithstanding the violation of First Amendment rights, as a result of her consistently disruptive behavior; or it could have believed that her alternate employment alleviated any damages from the termination. Because any of these possible scenarios furnishes support for the verdict, there is no basis on which to declare a new trial.

The foregoing conclusion obviates the need to reach the issues posed by the County. The judgment of the district court is **AFFIRMED.**