

FILED

February 23, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-50773
Summary Calendar

LEGENDS GYM, INC., JEFFERY ROSIN AND VINETTA ROSIN

Plaintiffs - Counter Defendants - Appellants

versus

ABCO LEASING, INC., ET AL

Defendants

ABCO LEASING, INC.

Defendant - Counter Claimant -Appellee

Appeal from the United States District Court
for the Western District of Texas
USDC No. A-03-CA-518-SS

Before DAVIS, SMITH, and DENNIS, Circuit Judges.

PER CURIAM:*

In this dispute over a contract for the lease of gym equipment, Plaintiff-Counter Defendant Legends Gym appeals the district court's ruling granting summary judgment for ABCO Leasing ("ABCO") and awarding ABCO's counsel attorney's fees in the amount of \$21,290.44, after ABCO requested \$82,093.31. We review the district court's grant of a motion for summary judgment de novo,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Reliance Nat'l Ins. Co. v. Tomlinson, 171 F.3d 1033, 1035 (5th Cir. 1999), and the grant of attorney's fees for abuse of discretion. Communication Workers of America v. Ector County Hosp. Dist., 392 F.3d 733 (5th Cir. 2004). After a review of the record, we affirm the district court's order granting summary judgment for ABCO and separate order granting ABCO's attorney's fees for essentially the reasons as well stated in the district court's memorandum opinions and orders.

AFFIRMED.