

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

\_\_\_\_\_  
No. 13-50256  
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United States Court of Appeals  
Fifth Circuit

**FILED**

July 14, 2014

Lyle W. Cayce  
Clerk

LOFTIN EQUIPMENT COMPANY, United States of America,  
For the Use and Benefit of Loftin Equipment Company;  
LOFTIN EQUIPMENT COMPANY,

Plaintiffs-Cross Defendants - Appellees

v.

AMX VSS, L.L.C.; AMERICAN SAFETY CASUALTY INSURANCE  
COMPANY, doing business as American Safety Claims Services,  
Incorporated,

Defendants-Third Party Plaintiffs - Appellants

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 6:12-CV-3  
\_\_\_\_\_

Before HIGGINBOTHAM, JONES, and PRADO, Circuit Judges.

PER CURIAM:\*

The court has heard oral argument and considered the briefs and pertinent portions of the record in this case. Having done so, we conclude that no reversible error of fact or law has been shown regarding the judgment of liability against AMX and its surety American Safety, but the parties'

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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agreements were not sufficiently specific to override federal law regarding post-judgment interest. As to these parties, the judgment is **AFFIRMED** as **REFORMED** to reflect a post-judgment interest rate according to federal law.

We also conclude that the district court erred in refusing to allow the jury to consider issues pertaining to Brown Electric's breach of its contract with AMX, and we **REVERSE** and **REMAND** for further proceedings on that claim.<sup>1</sup>

The judgment of the district court is accordingly **AFFIRMED** as **REFORMED** in part and **REVERSED** and **REMANDED** in part.

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<sup>1</sup> Given that Brown Electric lacked the financial resources to file a brief on appeal, and that Loftin was granted judgment against Brown Electric to the same extent as against AMX and American Safety, this remand is probably a pyrrhic victory at best, a potential waste of resources at worst.