

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

No. 15-20543

United States Court of Appeals
Fifth Circuit

FILED

June 14, 2016

Lyle W. Cayce
Clerk

THOMAS M. WELLS, as Trustee of the David F. Bolger Revocable Trust,
Plaintiff–Appellee,

v.

J–M MANUFACTURING COMPANY, INCORPORATED,
Doing Business as JM Eagle,
Defendant–Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:14-CV-1548

Before SMITH, BARKSDALE, and COSTA, Circuit Judges.

PER CURIAM:*

This dispute over a commercial lease was tried to a jury after full pleading and discovery. The lessee was found liable for breach of contract. It appeals, raising its objection to the jury charge regarding the question of wear and tear on the premises.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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We have reviewed the briefs and applicable portions of the record and have heard the extensive arguments of counsel. Assuming *arguendo* that the jury-charge issue was properly preserved, the portion of the charge that is complained of, viewed in the context of the whole charge and the trial proceedings, was not error. The parties received a fair trial that judiciously resolved the dispute.

The judgment is AFFIRMED.