

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 92-1456

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DOROTHY M. YOUNG,

Plaintiff-Appellant,

versus

TERMINAL FREIGHT HANDLING COMPANY,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Northern District of Texas  
(CA3-88-2946-T)

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(May 11, 1994)

Before POLITZ, Chief Judge, GOLDBERG, and JONES, Circuit Judges.

PER CURIAM:\*

The question in this appeal was whether the appellant, who filed suit against her employer in 1988 alleging sexual and racial harassment, could amend her pleadings to request compensatory and punitive damages and trial by jury consistent with the 1991 amendments to the Civil Rights Act. See Civil Rights Act of 1991, P.L. 102-166, 105 stat 1071. Those amendments to the Civil Rights Acts became effective November 21, 1991.

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\* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

The trial court denied appellant's motions to amend and certified the issue for appeal. After hearing oral argument, we held the case in abeyance pending the decision of the United States Supreme Court in a related case. The Court has now held that § 102 of the Civil Rights Act of 1991 does not apply to a Title VII case that was pending when the statute was enacted. Landgraf v. USI Film Products, \_\_\_ S. Ct. \_\_\_, 62 U.S.L.W. 4255 (April 26, 1994). Hence, neither the new damages remedy nor the right to jury trial, which is described in § 102(c) as contingent on a claim for damages under the new law, applies to events ante-dating the enactment of those provisions.

Accordingly, the judgment of the district court is AFFIRMED.