

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 92-5215

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BRIDGE CITY RECREATIONAL VEHICLE CO.,  
INC., ET AL.,

Plaintiffs-Appellees-  
Cross-Appellants,

versus

NEWMAR CORPORATION,

Defendant-Appellant-  
Cross-Appellee.

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Appeal from the United States District Court for the  
Eastern District of Texas  
(1:90 CV 891)

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(December 9, 1993)

Before GOLDBERG, JOLLY, and BARKSDALE, Circuit Judges.

PER CURIAM:\*

Bridge City Recreational Vehicle Co., Inc. ("Bridge City") sued Newmar Corporation ("Newmar") for damages arising from negligent misrepresentation and violations of the Texas Deceptive Trade Practices Act ("DTPA"). In response to special interrogatories, the jury found that Newmar had been grossly

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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 Pursuant to that Rule, the court has determined that this opinion should not be published.

negligent in misrepresenting material facts during the course of Newmar's business relationship with Bridge City. The jury, however, awarded no actual damages for the negligent misrepresentation, but nevertheless awarded \$100,000 in exemplary damages. The jury further found that Newmar did not intentionally misrepresent material facts, however, the jury did find that Newmar knowingly violated the DTPA. To compensate Bridge City for Newmar's violations of the DTPA, the jury awarded Bridge City \$95,000 in actual damages, and \$100,000 in attorney's fees, but no "additional" damages. The district court entered judgment in favor of Bridge City, awarding \$95,000 in actual damages, \$100,000 in attorney's fees, and no exemplary or "additional" damages.

On appeal, Newmar argues that the district court's judgment should be reversed because (1) Bridge City failed to establish a causal link between its losses and Newmar's conduct; (2) the jury's findings are against the great weight of the evidence; and (3) there is a fatal conflict in the jury's findings. Bridge City contends that the district court erred when it failed to award \$100,000 in exemplary damages in addition to the \$195,000 awarded in connection to the DTPA damages.

After study of the briefs, argument of counsel, and review of relevant parts of the record, we are convinced that the trial court committed no reversible error. The district court is therefore

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