

UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 93-3034

JOHN DEERE COMPANY,

Plaintiff-Counter-
Defendant-Appellee,

and

FEDERAL DEPOSIT INSURANCE CORPORATION,
As Receiver for First National Bank, Covington, Louisiana,

Intervenor-Plaintiff-
Counter-Defendant-Appellee,

VERSUS

SLIDELL TRACTOR COMPANY, INC., ET AL.,

Defendants-Counter-
Claimants-Appellants.

Appeals from the United States District Court
for the Eastern District of Louisiana
(89-CV-1953-N)

(December 9, 1993)

Before DUHÉ and EMILIO M. GARZA, Circuit Judges and BLACK¹,
District Judge.

PER CURIAM:²

¹ Chief Judge of the Southern District of Texas, sitting by designation.

² 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

Appellant claims seven errors were committed by the district court in the conduct of this bench trial and in her findings and conclusions. One is a claim that the court erred in admitting certain evidence, and another has to do with the district court's refusal to allow Appellant to add an additional party to the proceedings. The remaining five have to do with errors alleged in the court's findings of fact and conclusions of law.

Having carefully reviewed the record and briefs, and having considered the argument of able counsel, we are convinced that no error occurred.

The determination of evidentiary matters is within the broad discretion of the trial court and we find no abuse of discretion here. The evidence concerning the financial dealings and conditions of the parent corporation and the sibling Mississippi corporations was relevant to the issues of consent to repossession, and to the integrity of the security for the bank's debt which was secured, in part, by the parent and sibling corporations.

The complained of conduct of counsel for the FDIC was not, in our view, improper.

Appellants sought to add John Deere Insurance Company as a party at a time which, if allowed, would have required a delay in the previously scheduled trial. Appellant (through different counsel) had obtained several delays before. We find no abuse of discretion in the district court's refusal to allow further delay.

In reviewing the district court opinion, we are convinced that

the court fully addressed each of the five remaining points Appellant raises on appeal. We find ourselves in agreement with the district court's analysis, and, in short, do not believe that we can improve on what the district court said. We therefore affirm the judgment of the district court on the basis of the court's opinion and the additional comments made herein.

AFFIRMED.