

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-7031

ANNA LISA COCKRELL,

Plaintiff-Appellant,

versus

THE MAYOR AND ALDERMEN
OF THE CITY OF VICKSBURG,
MISSISSIPPI,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Mississippi
(W91-0065)

(December 6, 1993)

Before VAN GRAAFEILAND*, SMITH and WIENER, Circuit Judges.

PER CURIAM:**

In this wage and hour case arising under the Fair Labor Standards Act (FLSA), Plaintiff-Appellant Anna Lisa Cockrell was

* Senior Circuit Judge of the United States Court of Appeals for the Second Circuit, sitting by designation.

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

found by the district court, following a bench trial, to be a salaried employee, exempt under 29 U.S.C. § 13(a)(1), from the hourly wage and overtime compensation provisions of 29 U.S.C. § 207(a)(1) because her employment met the definition of one employed in a bona fide administrative capacity as contained in 29 C.F.R. § 541.2. On appeal, Cockrell complains that the district court erred in finding that she was a salaried employee rather than an hourly employee; that further evidence supporting her hourly status should have been received during the time following the trial left open by the court for filing additional evidence; that Defendants violated local court rules; and that the Defendants' affirmative defense of exempt status should not have been heard by the court because Defendants failed timely to plead that defense.

We have reviewed the briefs and record, heard the arguments of able counsel, and carefully considered the legal and factual implications thereof, as a result of which we conclude that the district court committed no reversible error. Therefore, the judgment of the district court is, in all respects,
AFFIRMED.