

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

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No. 94-60839
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MHM, INC.,

Plaintiff-Appellant,

versus

SEAVIEW RESORTS, INC., d/b/a Biloxi Ramada Inn
and ROBERT E. THAMES,

Defendants-Appellees.

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Appeal from the United States District Court for the
Southern District of Mississippi
(B-91-CV-565)

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November 14, 1995
Before WISDOM, GARWOOD and JONES, Circuit Judges.*

PER CURIAM:

We conclude that under *Wolfsohn v. Hankin*, 84 S.Ct. 699 (1964), we are bound to regard the notice of appeal as timely. See also *Fairley v. Jones*, 824 F.2d 440 (5th Cir. 1987). Appellant's contention respecting section 16 of the contract has been waived

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

because it was not raised below prior to judgment. *See Atlantic Mutual Insurance Co. v. Truck Insurance Exchange*, 797 F.2d 1288, 1293-94 (5th Cir. 1986). We further conclude that the evidence adequately supports the jury's verdict, and that appellant's remaining complaints on appeal are without merit. The judgment is accordingly

AFFIRMED.