

UNITED STATES COURT OF APPEALS  
For the Fifth Circuit

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No. 95-10193

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DIANE G. EMERY,

Plaintiff-Appellant,

and

PATRICIA L. YOUNG,

Plaintiff,

versus

DREAM SPIRITS, INC, DOING BUSINESS AS  
CARAVAN OF DREAMS, INC.,

Defendant,

CARAVAN OF DREAMS, INC.,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Northern District of Dallas  
(3:94-CV-985-H)

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April 19, 1996

Before SMITH, DUHÉ, and DeMOSS, Circuit Judges.

PER CURIAM:<sup>1</sup>

Diane Emery argues that Caravan of Dreams' policy of permitting smoking during performances violated § 12182(b)(1)(D) and § 12182(b)(2)(A)(i) of the Americans with Disabilities Act, 42

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<sup>1</sup>Pursuant to Local Rule 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

U.S.C. §§ 12101-12213 (West 1995). Appellant also challenges the district court's finding that "[b]anning smoking in the Caravan of Dreams would have a major adverse economic effect on the Defendant, and would endanger the Defendant theater's viability."

After carefully reviewing the record and the oral and written arguments, we are satisfied that the district court accurately found the facts and applied the law. We therefore affirm for the reasons given by the trial court. See Emery v. Caravan of Dreams, 879 F. Supp. 640 (N.D. Tex. 1995).

AFFIRMED.