

UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 96-60449
Summary Calendar

BERTHA HAIK,

Plaintiff-Appellant,

VERSUS

THE KROGER COMPANY,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Mississippi
(5:95-CV-31-BRN)

April 2, 1997

Before DAVIS, EMILIO M. GARZA and STEWART, Circuit Judges.

PER CURIAM:*

The appellant, Bertha Haik, challenges the district court's denial of her post-judgment motion for judgment as a matter of law and for new trial. Our review of the record reveals that the evidence is sufficient to support the jury's verdict in favor of the defendant, the Kroger Company, in this slip and fall case. Contested jury issues were presented as to whether the cause of Ms. Haik's fall was moisture left on the floor by employees of Kroger and if so, whether the store had posted a hazard sign before her fall. Ms. Haik also did not move for motion for judgment as a

*Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

matter of law before the case was submitted to the jury. Under these circumstances, to prevail on a post-judgment motion for judgment as a matter of law or for a new trial, the moving party must demonstrate that the non-movant presented no evidence in support of its claim. See Bunch v. Walter, 673 F.2d 127, 130 (5th Cir. 1982). Because Kroger did present some evidence to support the jury verdict, the district court correctly denied Ms. Haik's post-judgment motions.

AFFIRMED.