

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-11431

FLEMING COMPANIES INCORPORATED,
Plaintiff-Appellant

versus

DAVID'S SUPERMARKETS, INC, ET AL
Defendants

WILLIAM D. SIMS, JR
Defendant-Appellee

Appeal from the United States District Court
for the Northern District of Texas
(5:97-CV-58)

November 3, 1998

Before HIGGINBOTHAM, DAVIS, and BARKSDALE, Circuit Judges.

PER CURIAM:*

AFFIRMED. See Local Rule 47.6.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.