

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 97-30774
Summary Calendar

BARBARA G. HOWARD,
Individually and as Natural Tutrix of
Jonathan Goins and Stuart Goins,
and
CHARLIE HOWARD,

Plaintiffs-Appellants,

VERSUS

WAL-MART STORES INCORPORATED,

Defendant-Appellee.

Appeal from the United States District Court
for the Middle District of Louisiana
(95-CV-1538)

May 29, 1998

Before JONES, SMITH, and STEWART, Circuit Judges.

PER CURIAM:*

This is a slip-and-fall diversity case in which the jury awarded \$10,000 in compensatory damages and \$2,000 in past medical expenses. The district court denied plaintiff's motion for

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

judgment notwithstanding the verdict (more properly denominated a motion for judgment as a matter of law) and entered judgment on the verdict.

In a succinct but comprehensive written ruling entered June 7, 1997, the district court explained the reasons for its decision. We find those reasons persuasive and affirm on that basis. We agree with the district court that plaintiff is barred because of her failure to move for judgment as a matter of law before the case went to the jury. Even if we were to consider the motion now, however, we also agree with the district court that, under the evidence presented, there is no reason to disturb the verdict.

AFFIRMED.