

UNITED STATES COURT OF APPEALS  
For the Fifth Circuit

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No. 97-40820  
Summary Calendar

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BECKHAM OPERATING CORPORATION,  
doing business as Turner Brothers Crane  
and Rigging; GREEN LEASING LLC,

Plaintiffs-Appellants,

VERSUS

TRANSIT MIX CONCRETE & MATERIALS COMPANY,

Defendant-Appellee.

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Appeal from the United States District Court  
For the Eastern District of Texas

(2:96-CV-35)

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December 23, 1997

Before DUHÉ, DeMOSS, and DENNIS, Circuit Judges.

PER CURIAM:\*

Beckham Operating Corporation, d/b/a Turner Brothers Crane and Rigging ("Beckham"), and Green Leasing LLC ("Green") filed suit in the United States District Court on diversity jurisdiction against

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Transit Mix Concrete & Materials Company ("Transit Mix") for money damages arising out of a collision that occurred on a highway between Gilmer and Pittsburg, Texas, involving a vehicle owned by Transit Mix and a motorized crane owned by Green and operated by Beckham. A jury was waived and the controversy was tried before the Honorable Joe Fisher as a bench trial. The district court made findings of fact and conclusions of law, including credibility determinations among the various witnesses and concluded that negligence on the part of Transit Mix was a proximate cause of the accident and that Green was entitled to the recovery of \$472,500 for a total loss of its vehicle. Green and Beckham appealed and asserts before us various errors on the part of the district court in determining the nature and quantum of damages in this case.

We have carefully reviewed the briefs, the record excerpts and relevant portions of the record itself. The findings of fact by the district court were not clearly erroneous and the conclusions of law arrived at by the district court were correct. Accordingly, the Memorandum Opinion and Order entered by the district court under date of June 13, 1997, is

**AFFIRMED.**