

UNITED STATES COURT OF APPEALS  
For the Fifth Circuit

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No. 98-41376  
Summary Calendar

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ROBERT MCGOWEN,

Plaintiff-Appellee,

VERSUS

WAL-MART STORES, INC.,

Defendant-Appellant.

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

(6:96-CV-458)

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July 7, 1999

Before EMILIO M. GARZA, DeMOSS, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Robert McGowen ("plaintiff") filed this lawsuit in Texas state court alleging that he fell from a defective step ladder which was an unreasonably dangerous condition at a Wal-Mart store in Henderson, Texas. Wal-Mart removed the case to federal court pursuant to 28 U.S.C. § 1441(c). The case proceeded to trial before a jury. Wal-Mart moved for judgment as a matter of law pursuant to Fed. R. Civ. P. 50 at the close of plaintiff's case.

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The trial court denied Wal-Mart's motion. The case was submitted to the jury who found that McGowen was fifty percent (50%) negligent and Wal-Mart was fifty percent (50%) negligent and awarded damages in the amount of \$200,000. Wal-Mart renewed its motion for judgment as a matter of law and moved for new trial or remittitur post-verdict. The district court denied the motions and entered a Final Judgment based on the jury verdict. Wal-Mart appealed.

We have carefully reviewed the briefs, the reply brief, the record excerpts and relevant portions of the record itself. We find no reversible error in the trial court's entry of judgment on the jury verdict and no reversible error in the trial court's denial of Wal-Mart's motions for judgment as a matter of law, for new trial, and for remittitur.

**AFFIRMED.**