

UNITED STATES COURT OF APPEALS  
For the Fifth Circuit

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No. 99-50791

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JOSE G. LARA, E.J. LOZANO, ALFREDO JUAREZ, G. TIM HERVEY, EARL L.  
HARBECK, VOLAR CENTER FOR INDEPENDENT LIVING, LUIS ENRIQUE CHEW,  
DESERT ADAPT, MYRA MURILLO, MARGARITA LIGHTBOURNE-HARBECK,

Plaintiffs-Appellants,

VERSUS

CINEMARK USA, INC.,

Defendant-Appellee.

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Appeal from the United States District Court  
For the Western District of Texas  
(EP-97-CV-502-H)

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April 17, 2000

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

PER CURIAM\*:

Plaintiffs appeal the district court's denial of expert witness fees pursuant to 42 U.S.C. § 12205, which permits district courts to award "a reasonable attorney's fee, including litigation expenses, and costs" to a party prevailing under the ADA. Plaintiffs premise this appeal upon the district court's August 21, 1998 Order granting summary judgment on behalf of Plaintiffs. Recently, this Court reversed that order and rendered judgment for

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Defendant, Cinemark, Inc. Accordingly, Plaintiffs are not a prevailing party and may not obtain fees and costs under 42 U.S.C. § 12205. The judgment of the district court is therefore affirmed.