

**UNITED STATES COURT OF APPEALS**  
**FOR THE FIFTH CIRCUIT**

---

No. 97-10685

---

JULIE DEFFENBAUGH WILLIAMS,

Plaintiff - Appellee-Cross-Appellant,

versus

WAL-MART STORES, INC., ET AL.,

Defendants,

WAL-MART STORES, INC.,

Defendant - Appellant-Cross-Appellee.

---

Appeals from the United States District Court  
for the Northern District of Texas

---

July 22, 1999

Before POLITZ, JOLLY, HIGGINBOTHAM, DAVIS, JONES, SMITH, DUHÉ, WIENER, BARKSDALE, EMILIO M. GARZA, DeMOSS, BENAVIDES, STEWART, PARKER, and DENNIS, Circuit Judges.\*

PER CURIAM:

The en banc court reinstates the panel opinion, except for Part II C relating to punitive damages, and remands this matter to the panel for appropriate disposition of the punitive damages issue in light of the intervening decision in **Kolstad v. American Dental Ass'n, 119 S.Ct. 2118 (1999)**.

---

\*Carolyn Dineen King, Chief Judge, is recused.