

November 3, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-10371
Summary Calendar

LINDA KALMBACH; ET AL,

Plaintiffs,

LINDA KALMBACH AND DOUGLAS O. CREWSE,

Plaintiffs-Appellants,

versus

AT&T BROADBAND, LLC n/k/a COMCAST PHONE OF TEXAS, LLC,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Texas
No. 3:02-CV-930-BD-R

Before DAVIS, SMITH, and DENNIS, Circuit Judges

PER CURIAM:*

Plaintiff-Appellants Linda Kalmbach and Douglas Crewse appeal the district court's grant of Defendant-Appellee AT&T Broadband's motion for judgment as a matter of law under Fed. R. Civ. P. 50(a)(1) on the issue of mental anguish damages for their claims of fraud and violations of the Texas Deceptive Trade Practice Act.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

TEX. BUS. & COMM. CODE §17.50(b)(1). The judgment of the district court is AFFIRMED.