

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-50049

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LATREESE TABB,

Plaintiff-Appellee-Cross Appellant,

versus

DILLARD, INC.,

Defendant-Appellant-Cross-Appellee.

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Appeal from the United States District Court  
For the Western District of Texas  
(A-95-CV-257)

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April 22, 1997

Before REYNALDO G. GARZA, HIGGINBOTHAM, and JONES, Circuit Judges.

PER CURIAM:\*

The judgment entered on the jury's finding of intentional infliction of emotional distress is reversed. The district judge erred in denying defendant's motion for a directed verdict and judgment J.N.O.V. on this claim. The evidence does not meet the standard for outrageous conduct under Texas law. The judgment is otherwise affirmed in all respects.

AFFIRMED in part; REVERSED in part.

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.