

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

No. 97-31112

FIRST NATIONAL BANK OF COMMERCE,

Plaintiff-Appellant,

versus

CATERPILLAR FINANCIAL SERVICES
CORPORATION,

Defendant-Appellee.

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

(96-CV-932)

February 5, 1999

Before REYNALDO G. GARZA, POLITZ, and BARKSDALE, Circuit Judges.

PER CURIAM:*

First National Bank of Commerce appeals an adverse judgment, after a bench trial, in its contract and tort action against Caterpillar Financial Service Corporation. Having considered the briefs of the parties and pertinent parts of the record, and finding neither error nor abuse of discretion, the judgment appealed is AFFIRMED.

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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