

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-60131

AMPLICON INC., doing business as Amplicon
Financial,

Plaintiff - Appellant-Cross-Appellee,

v.

MURRAY ENVELOPE CORPORATION, a Mississippi
Corporation; L.E. RHIAN, JR.;

Defendants - Appellees-Cross-Appellants,

DOES, 1 through 10, inclusive,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Mississippi, Hattiesburg
(2:94-CV-376-PS)

August 06, 1998

Before KING, SMITH, and PARKER, Circuit Judges.

PER CURIAM:*

The district court correctly concluded that this case was controlled by Cal. Civ. Code § 3311 and, following a full bench trial, made all findings of fact necessary for the application of § 3311. Those findings of fact, particularly the critical

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

finding that Murray's tender of the check for the disputed amount was made in good faith, are not clearly erroneous. Since Amplicon did prevail on its claim for the last lease payment, the district court did not err in its disposition of the claims for legal fees.

The judgment of the district court is AFFIRMED.