

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-1192

CAROL V. STIMSON,

Plaintiff - Appellee,

versus

FOOD LION, LLC,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. William D. Quarles, Jr., District Judge. (8:06-cv-00614-WDQ)

Submitted: September 5, 2007

Decided: January 28, 2008

Before MICHAEL, TRAXLER, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Tamara B. Goorevitz, David A. Skomba, FRANKLIN & PROKOPIK, Baltimore, Maryland, for Appellant. Francis A. Pommert, III, LAW OFFICES OF NATHANSON & POMMETT, P.C., Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Food Lion, LLC, appeals a district court judgment finding for Appellee Carol V. Stimson, and awarding her \$279,297.02 in damages for Food Lion's negligence. Food Lion challenges the sufficiency of the evidence, the district court's sparse factual findings when it awarded a victory to Stimson, and the sufficiency of the evidence supporting the damages award. Finding no error, we affirm.

We directed a limited remand in order for the district court to make findings of fact and conclusions of law in accordance with Rule 52(a) of the Federal Rules of Civil Procedure. We find the court's factual findings and conclusions of law in its December 11, 2007 memorandum opinion are sufficient.

The district court's factual findings are reviewed for clear error and its conclusions of law de novo. Carter v. Ball, 33 F.3d 450, 457 (4th Cir. 1994). We find there was sufficient evidence supporting the court's findings. Based on the court's findings that the hazard was not open and obvious and Food Lion failed to warn Stimson of the hazard, we find no error in the court's decision not to address the issue of Stimson's negligence. We also find no error in the award of damages. The court heard testimony from Stimson's treating physician regarding the reasonableness and necessity of the medical bills. We also find

Stimson's testimony provided sufficient support for the award of lost wages.

Accordingly, we affirm the district court's judgment. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED