

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

MADELINE E. BOOTH,

Plaintiff-Appellant.

v.

No. 98-1373

SHONEY'S, INC.,

Defendant-Appellee.

Appeal from the United States District Court
for the Western District of Virginia, at Abingdon.
James P. Jones, District Judge.
(CA-97-73-A)

Argued: May 6, 1999

Decided: June 28, 1999

Before NIEMEYER, LUTTIG, and MOTZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

ARGUED: Gray Robinson, JACKSON & ROBINSON, Bristol, Virginia, for Appellant. Jeffrey Franklin Brooke, HUFF, POOLE & MAHONEY, P.C., Virginia Beach, Virginia, for Appellee. **ON BRIEF:** Thomas C. Jessee, JESSEE & JESSEE, Johnson City, Tennessee, for Appellant. Linda S. Westenburger, HUFF, POOLE & MAHONEY, P.C., Virginia Beach, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

OPINION

PER CURIAM:

In this diversity "slip and fall" case, Madeline E. Booth alleged that Shoney's, Inc. negligently failed to maintain the premises of its restroom by permitting water to gather on the floor, thus constituting a hazard to patrons who utilized the sinks to wash their hands. Booth asserted that Shoney's negligence in allowing the restroom floor to be wet caused her to slip and fall, breaking her hip.

At the close of Booth's evidence, Shoney's moved for a judgment as a matter of law. Although the district court indicated concern about "the sufficiency of the evidence," the court denied the motion. At the close of all of the evidence, Shoney's renewed its motion for judgment as a matter of law, which the district court then granted. Booth appeals asserting that the district court erred in granting the motion.

After having had the benefit of oral argument and briefing from the parties, and after carefully reviewing the legal authorities and record, we conclude that the district court did not err in any respect in granting judgment for Shoney's. We affirm on the basis of the district court's well-reasoned oral opinion.

AFFIRMED