

United States Court of Appeals

FOR THE ELEVENTH CIRCUIT

No. 87-8804

D.C. Docket No. 85-4377 *ODE*

FILED IN CLERK'S OFFICE
U.S.D.C. Atlanta

MAR 5 1990

LUTHER D. THOMAS, Clerk

By: *[Signature]*
Deputy Clerk

JAY PALMER, et al.,

Plaintiffs-Appellants,

versus

BRG OF GEORGIA, INC.,
a Georgia Corporation,
d/b/a BAR/BRI, et al.,

Defendants-Appellees.

Appeal from the United States District Court for the
Northern District of Georgia

Before HATCHETT and CLARK, Circuit Judges, and FITZPATRICK*, District Judge.

J U D G M E N T

This cause came on to be heard on the transcript of the record from the United States District Court for the Northern District of Georgia, and was argued by counsel;

ON CONSIDERATION WHEREOF, it is now hereby ordered and adjudged by this Court that the judgment of the said District Court in this cause be and the same is hereby AFFIRMED;

IT IS FURTHER ORDERED that plaintiffs-appellants pay to defendants-appellees, the costs on appeal to be taxed by the Clerk of this Court.

CLARK, Circuit Judge, dissented and filed an opinion.

*Honorable Duross Fitzpatrick, U.S. District Judge for the Middle District of Georgia, sitting by designation.

A True Copy - Attested:
Clerk, U.S. Court of Appeals,
Eleventh Circuit

By: *[Signature]*
Deputy Clerk

Entered: June 7, 1989
For the Court: Miguel J. Cortez, Clerk

By: *[Signature]*
Deputy Clerk

ISSUED AS MANDATE: MAR 1 1990