

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 04-2989

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|--------------------------------|---|-------------------------------|
| Joe Thomas; Cheri Thomas, | * | |
| | * | |
| Appellants, | * | Appeal from the United States |
| | * | District Court for the |
| v. | * | Eastern District of Arkansas. |
| | * | |
| Ford Motor Company; TRW, Inc., | * | [UNPUBLISHED] |
| | * | |
| Appellees. | * | |

Submitted: September 7, 2005
Filed: October 6, 2005

Before BYE, McMILLIAN, and RILEY, Circuit Judges.

PER CURIAM.

Joe and Cheri Thomas (Thomas) appeal the district court's¹ adverse entry of judgment following a trial in their diversity products-liability action. The only issue on appeal is whether the district court properly submitted to the jury the issue of contributory negligence on the part of a nonparty, the City of Mayflower, Arkansas (Mayflower).

¹The Honorable John F. Forster, Jr., United States Magistrate Judge for the Eastern District of Arkansas, to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c).

Before trial the Thomases stipulated that the issue of Mayflower's fault would be submitted to the jury so the jury could compare Mayflower's fault to any fault for which the jury held defendants responsible. During trial the Thomases raised concerns with the legality of the stipulation agreement, but they ultimately agreed to submit the issue of Mayflower's fault to the jury and agreed to the related special interrogatory, and they thus have waived appellate review. See Starks v. Rent-A-Center, 58 F.3d 358, 361-62 (8th Cir. 1995) (it is fundamental that where party invited error, there can be no reversible error); cf. Porterco, Inc. v. Igloo Prods. Corp., 955 F.2d 1164, 1173 (8th Cir. 1992) (where no specific objections are made to district court's decision to submit issue to jury, party waives appellate review of ruling).

Accordingly, we affirm. See 8th Cir. R. 47B.
