

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 97-1293EM

Charlotte Hoaglan,

Appellant,

v.

Hardee's Food Systems,

Appellee.

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Appeal from the United States
District Court for the Eastern
District of Missouri.

[UNPUBLISHED]

Submitted: September 23, 1997

Filed: September 24, 1997

Before FAGG, BOWMAN, and MURPHY, Circuit Judges.

PER CURIAM.

Charlotte Hoaglan brought this personal injury lawsuit against Hardee's Food Systems after she spilled hot coffee on herself at a drive-through window. A jury found neither party at fault. Hoaglan moved for a new trial based on her challenge to a jury instruction. The district court denied the motion, and Hoaglan appeals. After careful review, we conclude the challenged instruction did not misstate Missouri law. See Baron v. Aftergut, 387 S.W.2d 535, 537-38 (Mo. 1965). In our view, the jury instructions fairly and adequately submitted the issues in the case to the jury, see Jones v. Board of Police Comm'rs, 844 F.2d 500, 504 (8th Cir. 1988), cert. denied, 490 U.S.

1092 (1989), and the district court did not abuse its discretion in denying Hoaglan's motion for a new trial.

We affirm the district court.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.