

VIDEO TRAX, INC., a Florida Corporation, on behalf of itself and all other persons and entities similarly situated, Plaintiff-Appellant,

v.

NATIONSBANK, N.A. (SOUTH), a National Banking Association, Defendant-Appellee.

No. 99-4007.

United States Court of Appeals,

Eleventh Circuit.

March 14, 2000.

Appeal from the United States District Court for the Southern District of Florida (No. 97-01586-CV-ASG); Alan S. Gold, Judge.

Before TJOFLAT, Circuit Judge, FAY, Senior Circuit Judge, and HANCOCK*, Senior District Judge.

PER CURIAM:

The facts and procedural history of this case are set out in the district court's opinion reported at 33 F.Supp.2d 1041 (S.D.Fla.1998). For the reasons stated by the district court, *id.* at 1047-55 (part III.A. through III.C.), we find that the fees at issue do not constitute "interest" for purposes of the usury provisions of the National Bank Act, 12 U.S.C. §§ 85-86 (1994). Accordingly, the judgment of the court is

AFFIRMED.

*Honorable James H. Hancock, Senior District Judge for the Northern District of Alabama, sitting by designation.