

[PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 99-4007

D.C. Docket No. 97-01586-CV-ASG

<p>FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT MAR 14 2000 THOMAS K. KAHN CLERK</p>

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

Plaintiff -Appellant,

versus

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

Defendant - Appellee.

Appeal from the United States District Court
for the Southern District of Florida

(March 14, 2000)

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

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

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.