

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 08-13922

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT APRIL 2, 2009 THOMAS K. KAHN CLERK
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D. C. Docket No. 05-00050-CV-HL-7

FLORISTS' MUTUAL INSURANCE COMPANY,
QUALITY PRODUCE, LLC,

Plaintiffs-Appellees,

LEWIS TAYLOR FARMS, INC.,
LTF GREENHOUSE, LLC,

Plaintiffs-Cross-
Defendants-Appellees,

versus

DL&B ENTERPRISES, INC.,

Defendant-Third-Party-
Cross-Claimant-Appellant.

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

(April 2, 2009)

Before TJOFLAT and ANDERSON, Circuit Judges, and WOOD,* District Judge.

PER CURIAM:

We have held oral argument and carefully considered this case. We agree with the district court that the case presents a close question as to whether DL&B bought goods from LTF, or bought services. We do not reach that issue. Rather, we affirm the judgment of the district court on the basis of the district court's alternative holding that the damages were speculative. The control field upon which DL&B relies simply does not meet the standard required under Georgia law to prove damages.

AFFIRMED.

*Honorable Lisa Godbey Wood, United States District Judge for the Southern District of Georgia, sitting by designation.