

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

\_\_\_\_\_  
No. 09-10266  
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FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT Nov. 13, 2009 THOMAS K. KAHN CLERK
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D. C. Docket No. 07-00039-CV-RLV-1

MELISSA TURNER,

Plaintiff-Appellant-  
Cross-Appellee,

versus

ATLANTIC SOUTHEAST AIRLINES, INC.,

Defendant-Appellee-  
Cross-Appellant,

CRAIG R. CUMBIE,

Defendant-Appellee.

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Appeals from the United States District Court  
for the Northern District of Georgia  
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(November 13, 2009)

Before BLACK, WILSON and COX, Circuit Judges.

PER CURIAM:

Appellant, Melissa Turner, a former flight attendant for Appellee Atlantic Southeast Airlines, Inc. (ASA), claimed she was raped by ASA pilot Appellee Craig R. Cumbie, during an overnight layover. Appellant brought multiple state and federal law claims against ASA and state law claims against Cumbie. The district court granted summary judgment in favor of ASA on all counts. Thereafter, the district court declined to exercise jurisdiction over the state law claims against Cumbie and dismissed them without prejudice. ASA moved for sanctions against Appellant and her attorney, which the court denied in the same order granting ASA summary judgment. Turner appealed the summary judgment in favor of ASA on her Title VII, FMLA interference, intentional infliction of emotional distress, and negligent infliction of emotional distress claims, as well as the dismissal of her claims against Cumbie. ASA cross-appealed the denial of its motion for sanctions against Appellant and her attorney.

Upon reviewing the record and the parties' briefs and enjoying the benefit of oral argument, we conclude the district court did not err.

**AFFIRMED.**