

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 09-10574

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT JANUARY 21, 2010 JOHN LEY ACTING CLERK
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D. C. Docket No. 07-21794-CV-KMM

LANA PEREZ,
ELENA LEFFLER,

Plaintiffs-Appellants
Cross- Appellees,

versus

SAKS FIFTH AVENUE, INC.,
a foreign corporation,
doing business in Florida,

Defendant-Appellee
Cross-Appellants.

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

(January 21, 2010)

Before WILSON and COX, Circuit Judges and RESTANI,* Judge.

PER CURIAM:

The district judge, in a well-reasoned order, granted Saks Fifth Avenue, Inc.’s renewed motion for judgment as a matter of law pursuant to Federal Rule of Civil Procedure 50(b). He found that the judgment was warranted because “no reasonable juror could conclude that in taking adverse employment action against Plaintiffs, Phelan acted as a mere [conduit] for Terbecki or Salerno’s age animus or retaliatory motives.” *Perez v. Saks Fifth Avenue, Inc.*, 592 F. Supp. 2d 1388, 1399–1400 (S.D. Fla. 2009). We have carefully reviewed the record and the court’s order, and we conclude that the court properly granted judgment as a matter of law. We therefore affirm the judgment of the district court. As a result, Saks’s conditional cross-appeal from the denial of its alternative motion for new trial pursuant to Federal Rules of Civil Procedure 50(b) and 59(a) is moot.

AFFIRMED.

*Honorable Jane A. Restani, Chief Judge, United States Court of International Trade, sitting by designation.