

1 UNITED STATES COURT OF APPEALS
2 FOR THE SECOND CIRCUIT
3

4 SUMMARY ORDER
5

6 THIS SUMMARY ORDER WILL NOT BE PUBLISHED IN THE FEDERAL
7 REPORTER AND MAY NOT BE CITED AS PRECEDENTIAL AUTHORITY TO
8 THIS OR ANY OTHER COURT, BUT MAY BE CALLED TO THE ATTENTION
9 OF THIS OR ANY OTHER COURT IN A SUBSEQUENT STAGE OF THIS CASE,
10 IN A RELATED CASE, OR IN ANY CASE FOR PURPOSES OF COLLATERAL
11 ESTOPPEL OR RES JUDICATA.
12

13 At a stated term of the United States Court of Appeals for the Second Circuit,
14 held at the United States Courthouse, Foley Square, in the City of New York, on the 6th
15 day of October Two thousand four.
16

17 PRESENT:

18 ROGER J. MINER
19 JOSÉ A. CABRANES
20 CHESTER J. STRAUB
21 *Circuit Judges*

22 -----x
23
24 LOUISE M. HARRIS, M.D.,
25

26 *Plaintiff-Counter-Defendant-Appellee,*
27

28 -v.-

No. 03-7822

29
30 PROVIDENT LIFE AND ACCIDENT INSURANCE
31 COMPANY,
32

33 *Defendant-Counter-Claimant-Appellant,*
34

35 PROVIDENT COMPANIES, INC.,
36

37 *Defendant-Appellant.*
38 -----x
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40 APPEARING FOR APPELLEE:

HEATHER D. DIDDEL (Jean F. Gerbini, Melvin H.
Osterman, *of counsel*), Whiteman, Osterman &
Hanna, Albany, NY
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2 **APPEARING FOR APPELLANTS:** ARTHUR J. SIEGEL, Bond, Schoeneck & King,
3 Albany, NY
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5 Appeal from a judgment of the United States District Court for the Northern District
6 of New York (David N. Hurd, *Judge*).
7

8 **UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED,**
9 **AND DECREED** that the judgment of the District Court is hereby **AFFIRMED**.
10

11 Defendants appeal from a final judgment following a jury verdict in favor of plaintiff-
12 appellee.

13 Defendants raise a number of challenges to the District Court's jury instructions and
14 evidentiary rulings, as well as its ruling denying defendants' Rule 50 motion for judgment as a
15 matter of law. We hold that none of these challenges rise to the level of reversible error.

16 We have considered all of defendants' claims on appeal and found them to be without
17 merit. We hereby **AFFIRM** the judgment of the District Court.
18
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20 FOR THE COURT,
21 Roseann B. MacKechnie, Clerk of Court
22

23 By _____
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