

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 4 2018

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

AT&T CORP.,

Plaintiff-Appellant,

v.

JACKSON UTILITIES, LLC,

Defendant-Appellee.

No. 17-35592

D.C. No.

2:15-cv-00039-BMM-JCL

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Brian M. Morris, District Judge, Presiding

Argued and Submitted May 18, 2018
Portland, Oregon

Before: McKEOWN and PAEZ, Circuit Judges, and LASNIK,** District Judge.

AT&T Corp. appeals the district court's denial of its motion to amend the judgment and the underlying damages award. In particular, AT&T appeals the district court's application of principles of contributory negligence to AT&T's damages award and the denial of prejudgment interest on that award.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The Honorable Robert S. Lasnik, United States District Judge for the Western District of Washington, sitting by designation.

The district court had jurisdiction under 28 U.S.C. § 1332, and we have jurisdiction under 28 U.S.C. § 1291. We review the district court's findings of fact for clear error and its legal conclusions *de novo*. *Salyers v. Metro. Life Ins. Co.*, 871 F.3d 934, 938 (9th Cir. 2017).

For the reasons set forth in the district court's Findings of Fact and Conclusions of Law, the judgment is affirmed.

AFFIRMED.