

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 07-11079

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT SEPTEMBER 18, 2007 THOMAS K. KAHN CLERK

D. C. Docket No. 03-01073-CV-J-20TEM

JEANNETTE EWOLDT,

Plaintiff-Appellant,

versus

DENNY L. ROBINSON,
individually and as an employee, agent
or representative of HTG Distributors, Inc.,
BRIAN WILLIAMSON,
individually and as an employee, agent,
or representative of HTG Distributors, Inc.,
HTG DISTRIBUTORS, INC.,
a Michigan Corporation,

Defendants-Appellees.

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

(September 18, 2007)

Before BIRCH and BARKETT, Circuit Judges, and KORMAN,* District Judge.

PER CURIAM:

We affirm on the basis of our decision in McMahan v. Toto, 256 F.3d 1120 (11th Cir. 2002), modified, 311 F.3d 1077 (11th Cir. 2002). Because the circumstances of this case are indistinguishable from McMahan, we agree with the district court's finding that, based on our precedent, Florida Statute § 768.79 applies in this case.

AFFIRMED.

* Honorable Edward Korman, United States District Judge for the Eastern District of New York, sitting by designation.