

United States Court of Appeals
For the Eighth Circuit

No. 15-1377

Alice M. Lea

Plaintiff - Appellant

v.

Methodist Family Health

Defendant - Appellee

Appeal from United States District Court
for the Eastern District of Arkansas - Little Rock

Submitted: July 9, 2015

Filed: July 15, 2015

[Unpublished]

Before SHEPHERD, BYE, and KELLY, Circuit Judges.

PER CURIAM.

Alice Lea appeals the adverse judgment the district court¹ entered following a bench trial on her Title VII discrimination and retaliation claims. She asserts that her

¹The Honorable James M. Moody Jr., United States District Judge for the Eastern District of Arkansas.

trial was an “ambush,” and she essentially argues that the district court mishandled pretrial discovery matters, and improperly convinced her to proceed without a jury. Upon careful review, we conclude that the district court did not abuse its discretion in ruling on any pretrial discovery matter, see In re Mo. Dep’t of Natural Res., 105 F.3d 434, 435 (8th Cir. 1997) (management of discovery is committed to sound discretion of trial court; scope of review of discovery orders is both narrow and deferential), and that Lea waived her right to a jury trial, cf. Allen v. Barnes Hosp., 721 F.2d 643, 644 (8th Cir. 1983) (per curiam) (failure to object to submission of case to judge instead of jury usually waives right to jury trial). In addition, to the extent Lea suggests that the district court made any improper rulings at trial, her failure to order a trial transcript precludes this court from conducting a meaningful review of such issues. See Fed. R. App. P. 10(b)(1) (discussing appellant’s duty to order transcript); Van Treese v. Blome, 7 F.3d 729 (8th Cir. 1993) (per curiam) (district court’s factual findings, refusal to call witnesses, and denial of motions at bench trial cannot be reviewed without transcript); Schmid v. United Bhd. of Carpenters & Joiners of Am., 827 F.2d 384, 386 (8th Cir. 1987) (per curiam) (appellant has duty to bring before reviewing court all parts of proceedings below that are necessary for determination of validity of any claimed error).

Accordingly, we affirm. See 8th Cir. R. 47B.
