

United States Court of Appeals

Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

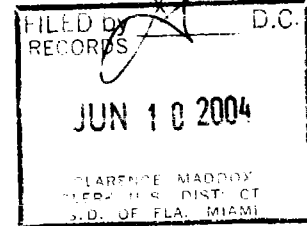
Thomas K. Kahn
Clerk

For rules and forms visit
www.call.uscourts.gov

June 07, 2004

Clarence Maddox
Clerk, U.S. District Court
301 N. Miami Avenue
Miami FL 33128

DLG
Appeal Number: 03-16218-HH
Case Style: Nelson Beaubrun v. The Hertz Corp.
District Court Number: 02-21288 CV-DLG



The enclosed certified copy of the judgment and a copy of this court's opinion are hereby issued as the mandate of this court.

Also enclosed are the following:

Bill of Costs

- Original Exhibits, consisting of: one folder
- Original record on appeal or review, consisting of: four volumes

The district court clerk is requested to acknowledge receipt on the copy of this letter enclosed to the clerk

A copy of this letter, and the judgment form if noted above, but not a copy of the court's decision, is also being mailed to counsel and pro se parties. A copy of the court's decision was previously mailed to counsel and pro se parties on the date it was issued

Sincerely,

THOMAS K. KAHN, Clerk

Reply To: James O. Delaney (404) 335-6113

Encl.

4 red vol folders
1 brown cardboard folder

158
[Signature]

MDT-1 (03-2004)

United States Court of Appeals
For the Eleventh Circuit

No. 03-16218

District Court Docket No.
02-21288-CV-DLG

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT

May 6, 2004

THOMAS K. KAHN
CLERK

NELSON BEAUBRUN,

Plaintiff-Appellant,

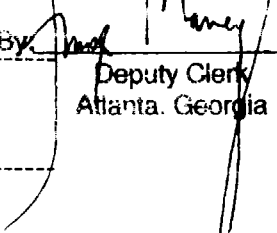
versus

THE HERTZ CORPORATION,

Defendant-Appellee,

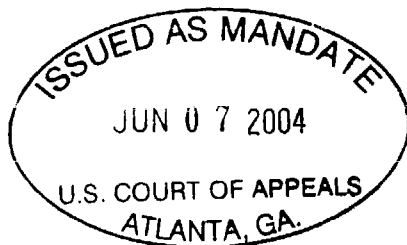
Appeal from the United States District Court
for the Southern District of Florida

A True Copy - Attested
Clerk U.S. Court of Appeals,
Eleventh Circuit

By: 
Deputy Clerk
Atlanta, Georgia

J U D G M E N T

It is hereby ordered, adjudged, and decreed that the attached opinion included herein by reference, is entered as the judgment of this Court.



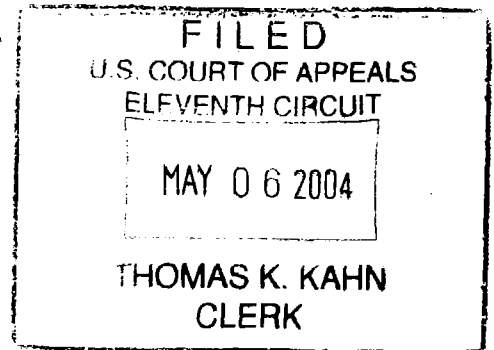
Entered: May 6, 2004
For the Court: Thomas K. Kahn, Clerk
By: Jackson, Jarvis

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 03-16218
Non-Argument Calendar



D. C. Docket No. 02-21288-CV-DLG

NELSON BEAUBRUN,

Plaintiff-Appellant,

versus

THE HERTZ CORPORATION,

Defendant-Appellee.

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

(MAY 6, 2004)

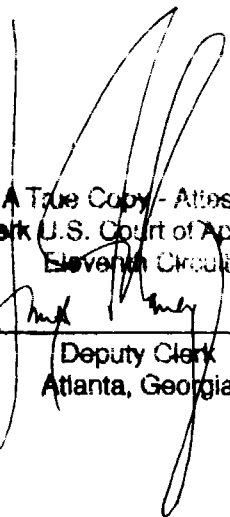
Before TJOFLAT, MARCUS and WILSON, Circuit Judges.

PER CURIAM:

We consider whether the district court correctly granted summary judgment to the Hertz Corporation (“Hertz”). We review the district court’s decisions de novo. *Mize v. Jefferson City Bd. of Educ.*, 93 F.3d 739, 742 (11th Cir. 1996).

After a careful review of the parties' briefs and the record, we find that the district court's well-reasoned opinion accurately resolved the issues in this case. For the reasons stated by the district court in its September 16, 2003 Order, we find that the Teamsters Local Union 390 did not act with reckless disregard for Nelson Beaubrun's rights nor was it grossly deficient in its conduct. Thus, Hertz was entitled to summary judgment. Accordingly, the grant of summary judgment to Hertz is AFFIRMED.

AFFIRMED.

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Clerk U.S. Court of Appeals,
Eleventh Circuit
By: 
Deputy Clerk
Atlanta, Georgia

ORIGINAL

**UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT
BILL OF COSTS**

Nelson Beaubrun Appellant MAY 12 2004

vs. Case No. 03-16218-H

The Hertz Corporation Appellee

Fed.R.App.P. 39 and 11th Cir. R. 39-1 (see reverse) govern costs which are taxable in this court and the time for filing the Bill of Costs. A motion for leave to file out of time is required for a Bill of Costs not timely received.

INSTRUCTIONS

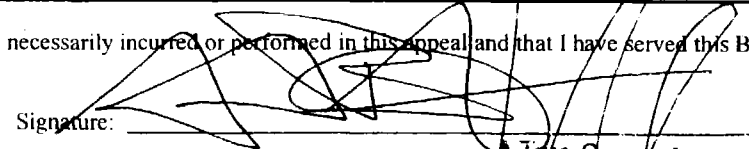
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U.S. COURT OF APPEALS
ELEVENTH CIRCUIT
MAY 12 2004
THOMAS K. KAHN
REQUESTED

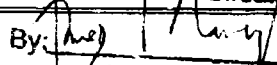
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Appellant's Brief							
Record Excerpts							
Appellee's Brief	X		67	8	536	80.40	\$80.40
Reply Brief							
*Note: If reproduction was done commercially, receipt(s) must be attached.					TOTAL	\$ 80.40	\$80.40
						REQUESTED	ALLOWED

I hereby swear or affirm that the costs claimed were actually and necessarily incurred or performed in this appeal and that I have served this Bill of Costs on counsel/parties of record.

Date Signed: May 11, 2004

Signature: 

Attorney for: The Hertz Corporation
(Type or print name of client)

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Clerk U.S. Court of Appeals,
Eleventh Circuit
By: 
Deputy Clerk
Atlanta, Georgia

FOR COURT USE ONLY

Costs are hereby taxed in the amount of \$ 80.40 against Appellant

and are payable directly to Appellee

Thomas K. Kahn, Clerk

Issued on: JUN 07 2004

By: Theresa A. Patterson
Deputy Clerk