

United States Court of Appeals
For the Eighth Circuit

No. 13-2796

Equal Employment Opportunity Commission

Plaintiff - Appellee

v.

Hill Country Farms, Inc., doing business as Henry's Turkey Services

Defendant - Appellant

Appeal from United States District Court
for the Southern District of Iowa - Davenport

Submitted: May 5, 2014

Filed: May 8, 2014

[Unpublished]

Before WOLLMAN, BOWMAN, and KELLY, Circuit Judges.

PER CURIAM.

This is an appeal following entry of judgment against appellant in a suit brought by the Equal Employment Opportunity Commission (EEOC) for violations of the Americans with Disabilities Act (ADA). During the course of the proceedings,

appellant moved to vacate the district court's¹ order entering an adverse grant of partial summary judgment in favor of the EEOC, arguing that the order was void because an allegedly indispensable third party had not been joined as a defendant. Following a hearing, the district court denied the motion. Eventually, a jury found appellant liable for the remaining ADA violations and awarded damages, and following entry of judgment, this appeal was filed.

For reversal, appellant argues that (1) the EEOC “erred” in failing to join the indispensable third party, and (2) the district court erred in admitting certain evidence at trial. Construing the first point as a challenge to the denial of the motion to vacate, we conclude that the district court did not err in refusing to vacate the order of partial summary judgment, see Minn. Milk Producers Ass’n v. Glickman, 153 F.3d 632, 646-47 (8th Cir. 1998); and as to the second point, appellant does not direct us to any objection in the record to admission of the evidence at issue, and we see no plain error in its admission, see Nemmers v. Ford Motor Co., 686 F.3d 486, 490 (8th Cir. 2012). Accordingly, we affirm. See 8th Cir. R. 47B.

¹The Honorable Charles R. Wolle, United States District Judge for the Southern District of Iowa.