FILED
DEC 29 1993
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

No. 3-510 / 92-1501

MARGARET SUHRBIER,

Appellant-Cross-Appellee,

vs.

RICHARD CONKLING, LARRY LARSON, and WHITE CONSOLIDATED INDUSTRIES, INC.

Appellees-Cross-Appellants.

Appeal from the Iowa District Court for Hamilton County, Mark S. Cady, Judge.

Plaintiff appeals from district court order granting defendants' motion for judgment notwithstanding the verdict. **AFFIRMED BY OPERATION OF LAW.**

Peter J. Leehey and Janece Winterhof of Trevino and Leehey, Fort Dodge, for appellant.

Candy Morgan and David H. Goldman of Black, Goldman & Powell, P.C., Des Moines, for appellees.

Heard by Schlegel, P.J., Hayden, J., and McCartney, S.J.*, but decided by Oxberger, C.J., and Donielson, Schlegel, Hayden, Sackett, and Habhab, JJ.

*Senior judge from the 2nd judicial district serving on this court by order of the Iowa Supreme Court.

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PER CURIAM

The court being equally divided, the judgment is affirmed by operation of law. Iowa Code § 602.5106(1) (1993).

AFFIRMED.

For affirmance: Donielson, Sackett, and Habhab, JJ.

For reversal: Oxberger, C.J., and Schlegel and Hayden, JJ.