

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 04-3670

Sandhills Cattle Feeding, Inc.,
a Nebraska Corporation,

Plaintiff,

v.

Jeffrey Younkin,

Defendant,

Jeffrey Younkin,

Third-Party Plaintiff/
Appellee,

BCD Farms, Inc., Ben Danelson,
Connie Danelson,

Third-Party Defendants/
Appellants.

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Appeal from the United States
District Court for the District
of Nebraska.

[UNPUBLISHED]

Submitted: November 16, 2005
Filed: March 15, 2006

Before ARNOLD, BEAM, and RILEY, Circuit Judges.

PER CURIAM.

In the underlying action Sandhills v. Younkin, Sandhills Cattle Feeding, Inc., sued Jeffrey Younkin for issuing a check to Sandhills on which Younkin stopped payment. In that action, Younkin brought a third-party claim against BCD Farms, Inc. and Ben and Connie Danelson seeking indemnity for any judgment entered against Younkin. A bench trial was conducted on August 30 and 31, 2004. The district court¹ concluded that Younkin owed Sandhills \$92,120.99 and that BCD Farms was required to indemnify Younkin, its agent, for any amounts paid by Younkin on the judgment. The court denied Younkin recovery from the Danelsons personally.

Neither party disputes the findings of fact set forth in the trial court's order. Rather, BCD Farms claims that the court erred in its legal conclusions based upon the evidence presented. BCD Farms claims that Younkin was neither its agent nor was he authorized by BCD Farms to tender a check and stop payment to Sandhills for the removal of BCD Farms' cattle from Sandhills on December 31, 2001. Accordingly, BCD Farms argues that it should not be required to indemnify Younkin for any amount he pays Sandhills.

Having carefully reviewed the record, briefs and applicable law, we agree with the district court's assessment of the issues. Because we have nothing to add to the thorough and well-reasoned analysis of the court, we affirm without additional discussion. See 8th Cir. R. 47B.

¹The Honorable David L. Piester, United States Magistrate Judge for the District of Nebraska, sitting by consent of the parties pursuant to 28 U.S.C. § 636(c).