

**United States Court of Appeals  
FOR THE EIGHTH CIRCUIT**

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No. 97-3245

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Michael S. McFarland; Donna C.	*
McFarland; Roger F. Morgan; Cherly	*
Morgan; Norman R. Cates; Phillis A.	*
Cates; Wayne E. Laslay; Annabell	*
Laslay; Richard A. LaPointe; Bonnie	*
L. LaPointe; Glen G. Pittman; Opal	*
Pittman; G. H. Ricker; Harriett L.	*
Ricker; Orson A. Rau; Glenna M. Rau;	*
Gary Spears; Carolyn Sue Spears; Paul	*
Schafer; Juanita L. Schafer; Robert J.	*
Schumacher; Anna E. Schumacher;	*
Christ Skiroiotis; Sophia Skiroiotis;	*
S. N. Whitcanack; Irene P. Whitcanack;	*
Arthur Zago; Kathleen Zago,	*
individually and on behalf of all other	*
purchasers of lots in the Lake	*
Winnebago South Retirement Village	*
Subdivision,	*
	*
Appellees,	*
	*
v.	*
	*
Winnebago South, Inc.; Robert V.	*
Steinhilber,	*
	*
Defendants,	*
	*
Johnita F. Steinhilber,	*
	*
Appellant,	*

Jack O. Hart; James E. Thompson, Jr.; \*  
Gandview Bank & Trust Company; The \*  
Pleasant Hill Bank; Cass County Title \*  
Company; Amca, Ltd.; Arnold M. Cook \*  
Associates, Inc.; Arnold M. Cook; \*  
Barry A. Cook; Iris B. Cook; Philip T. \*  
Goldstein; Thomas C. Mason; \*  
Emmanuel Rubin; David L. Gibson \*  
Associates, Inc.; David L. Gibson; Lake \*  
Winnebago Real Estate & Management \*  
Company, Inc.; Bonnie Hart; Alex \*  
Flemington; Halsey Rains; Mrs. Shirley \*  
Williams; Orien Fehrman; Bannister \*  
Bank; Bank of Lee Summit; Mission \*  
State Bank & Trust Company; \*  
Winnebago South Homeowners \*  
Association, Inc., \*

Defendants. \*

\_\_\_\_\_  
No. 97-3535  
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Appeals from the United States  
District Court for the  
Western District of Missouri.

Michael S. McFarland; Donna C. \*  
McFarland; Roger F. Morgan; Cherly \*  
Morgan; Norman R. Cates; Phillis A. \*  
Cates; Wayne E. Laslay; Annabell \*  
Laslay; Richard A. LaPointe; Bonnie \*  
L. LaPointe; Glen G. Pittman; Opal \*  
Pittman; G. H. Ricker; Harriett L. \*  
Ricker; Orson A. Rau; Glenna M. Rau; \*  
Gary Spears; Carolyn Sue Spears; Paul \*  
Schafer; Juanita L. Schafer; Robert J. \*  
Schumacher; Anna E. Schumacher; \*  
Christ Skiroiotis; Sophia Skiroiotis; \*

[UNPUBLISHED]

S. N. Whitcanack; Irene P. Whitcanack; \*  
Arthur Zago; Kathleen Zago, \*  
individually and on behalf of all other \*  
purchasers of lots in the Lake \*  
Winnebago South Retirement Village \*  
Subdivision, \*

Appellees, \*

v. \*

Winnebago South, Inc., \*

Defendant, \*

Robert V. Steinhilber, \*

Appellant, \*

Johnita F. Steinhilber; Jack O. Hart; \*  
James E. Thompson, Jr., Grandview \*  
Bank & Trust Company; The \*  
Pleasant Hill Bank; Cass County Title \*  
Company; Amca, Ltd.; Arnold M. Cook \*  
Associates, Inc.; Arnold M. Cook; \*  
Barry A. Cook; Iris B. Cook; Philip T. \*  
Goldstein; Thomas C. Mason; \*  
Emmanuel Rubin; David L. Gibson \*  
Associates, Inc.; David L. Gibson; Lake \*  
Winnebago Real Estate & Management \*  
Company, Inc.; Bonnie Hart; Alex \*  
Flemington; Halsey Rains; Mrs. Shirley \*  
Williams; Orien Fehrman; Bannister \*  
Bank; Bank of Lee Summit; Mission \*

State Bank & Trust Company; \*  
Winnebago South Homeowners \*  
Association, Inc., \*  
\*  
Defendants. \*

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Submitted: August 6, 1999

Filed: August 11, 1999

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Before McMILLIAN, RICHARD S. ARNOLD, and HANSEN, Circuit Judges.

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PER CURIAM.

Robert V. Steinhilber and Johnita F. Steinhilber appeal from the final judgment entered in the District Court<sup>1</sup> for the Western District of Missouri, as well as the denial of several pre-trial and post-trial motions, following a jury verdict in this class action brought against them under the Interstate Land Sales Full Disclosure Act (ILSA), 15 U.S.C. § 1703 *et seq.* For the reasons discussed below, we affirm the judgment of the district court.

We find that the Steinhilbers were not denied their right to a jury trial in the district court, as the remedies sought and granted against them were equitable in nature. See Kerr v. Charles F. Vatterott & Co., No. 98-1677, 1999 WL 493996, at \*5 (8th Cir. July 12, 1999); Tri-State Hotels, Inc. v. FDIC, 79 F.3d 707, 715 (8th Cir. 1996). We are unable to review other claims raised by the Steinhilbers because they have not submitted necessary transcripts, *see* Fed. R. App. P. 10(b)(2); Schmid v. United Bhd.

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<sup>1</sup>The Honorable D. Brook Bartlett, Chief Judge, United States District Court for the Western District of Missouri.

of Carpenters, 827 F.2d 384, 386 (8th Cir. 1987) (per curiam), cert. denied, 484 U.S. 1071 (1988), and this court will not weigh the credibility of witnesses, see United States v. Big D Enterprises, Inc., No. 98-2861, 1999 WL 493114, at \*4 (8th Cir. July 9, 1999).

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.