[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 13-11452

D.C. Docket No. 1:10-cv-21667-MGC

MARLENIS SMART,

Plaintiff-Appellant,

versus

CITY OF MIAMI BEACH, FLORIDA,
a political subdivision,

Defendant-Appellee.

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

(May 28, 2014)

Before MARCUS and ANDERSON, Circuit Judges, and TREADWELL,* District Judge.

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*Honorable Marc T. Treadwell, United States District Judge for the Middle District of Georgia, sitting by designation.

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PER CURIAM:

We have heard oral argument, and have carefully reviewed the briefs and relevant parts of the record. We conclude that the judgment of the district court granting the City's motion for judgment as a matter of law should be affirmed. For the reasons articulated by the district court in Part A.1 and 2 of its Omnibus Order Regarding Defendant's Post-Trial Motions (Docket 218 at pages 7-16), supplemented by the reasons fully discussed at oral argument,[1] we conclude that the evidence at trial was not sufficiently severe or pervasive to alter the terms and conditions of plaintiff's employment.

Accordingly, the judgment for the City, entered by the district court notwithstanding the verdict, is

AFFIRMED.[2]

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[1] For example, at oral argument, it was noted that the district court may have erred in suggesting that the number of gender-based remarks were only three or four. Nevertheless, there were very few, and fewer still that were egregious (e.g., the single "bimbo" and the two "cunt" remarks which we note gave rise to a prompt reprimand.) We agree with the district court that the incidents were far short of severe or pervasive.

[2] Our disposition makes it unnecessary to rule upon the other issues raised in the briefs of the parties.