

May 30, 2007

Charles R. Fulbruge III
Clerk

UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 06-60656

UNITED INVESTORS LIFE INSURANCE COMPANY,

Plaintiff-Appellant,

VERSUS

NATIONWIDE LIFE INSURANCE COMPANY; NATIONWIDE LIFE INSURANCE
COMPANY OF AMERICA; NATIONWIDE LIFE AND ANNUITY INSURANCE COMPANY;
NATIONWIDE LIFE AND ANNUITY COMPANY OF AMERICA; NATIONWIDE
FINANCIAL SERVICES, INC.; and NATIONWIDE FINANCIAL CORPORATION,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Mississippi

(2:04-CV-12)

Before GARWOOD, SMITH, and DeMOSS, Circuit Judges.

PER CURIAM:*

Plaintiff-Appellant United Investors Life Insurance Company (UILIC) appeals an order of the district court granting summary judgment to Defendants-Appellees Nationwide Life Insurance Company and its affiliates (collectively, "Nationwide"). The district court granted summary judgment after determining that (1) the portion of

*Pursuant to 5TH CIR. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

UILIC's claims that sounded in derivative liability were barred by res judicata; (2) the portion of UILIC's claims that sounded in direct liability failed to state claims upon which relief could be granted; and (3) in the alternative, the continuing tort doctrine did not apply to save UILIC's claims from the statute of limitations time bar. Having carefully reviewed the parties' briefs, the record, and the oral argument in this case, we AFFIRM essentially for the reasons stated by the district court.

AFFIRMED.