

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-60882

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AUDREY YOUNG, Individually, and  
as Guardian and Next Friend of Shana Young,  
Megan Young and Alex Young, Jr., minors and  
as Administratrix of the Estate of Alex Young,  
Deceased, and as Personal Representative  
of the Heirs at Law of Alex Young, Deceased,  
Plaintiff-Appellee,

versus

GEORGE ROBINSON, M.D.;  
MICHAEL MOSES, M.D.,  
Defendants-Appellants.

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Appeal from the United States District Court  
For the Southern District of Mississippi  
(1:95-CV-153-RR)

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December 8, 1997

Before WISDOM, HIGGINBOTHAM and STEWART, Circuit Judges.

PER CURIAM:\*

Plaintiff Young waived Mississippi's prohibition against *ex parte* communication with a treating physician. We are left without the requisite contest of the validity of this state rule. The

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

issue is moot. We do not decide whether the order of the district court is an appealable order.

DISMISSED.