

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 00-30225
Summary Calendar

DORA CARDENIA, Wife of Frank V. Cardenia
(Deceased); JOSEPH CARDENIA,

Plaintiffs-Appellants,

VERSUS

PANCHO'S MEXICAN BUFFET, INC., doing business as
Pancho's Mexican Buffet; TRANSPORTATION INSURANCE
COMPANY; CONTINENTAL CASUALTY COMPANY,

Defendants-Appellees.

Appeal from the United States District Court
For the Eastern District of Louisiana
(99-CV-976-F)

September 14, 2000

Before DAVIS, JONES, and DeMOSS, Circuit Judges.

PER CURIAM:*

On March 10, 1999, Mr. Frank V. Cardenia, then 86 years old, fell while going through the serving line at a Pancho's Restaurant in Metairie, Louisiana. He was taken by ambulance to a local

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

hospital and diagnosed as having a broken hip. He died four days later. His widow, Dora Cardenia, and his son, Joseph Cardenia, sued Pancho's Mexican Buffet, Inc. and its insurance carriers in the federal district court in New Orleans claiming diversity jurisdiction and seeking damages for personal injury and pain and suffering surviving death and for wrongful death under Louisiana tort law. After extensive discovery, the defendants moved for a summary judgment which was granted. The plaintiffs appeal.

We have carefully reviewed the briefs, the reply brief, the record excerpts, and relevant portions of the record itself. For the reasons stated by the district judge in its "Order and Reasons" filed February 7, 2000, we affirm the Final Judgment in favor of defendants and against plaintiffs, dismissing plaintiffs' suit.

AFFIRMED.