

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-60106  
Summary Calendar

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MARGARET JOYCE MAIN, as administratrix of the  
Estate of David C. V. Yamas, Deceased;  
SHERYL KATHERINE-ANN VAVOSA; and  
PAUL MICHAEL MARTIN YAMAS,

Plaintiffs-Appellants,

VERSUS

OFFICE DEPOT, INC.,

Defendant-Appellee.

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Appeal from the United States District Court  
For the Southern District of Mississippi

(3:95-CV-135-BN)

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October 23, 1996

Before JONES, DeMOSS and PARKER, Circuit Judges.

PER CURIAM:\*

Plaintiffs brought this diversity suit seeking damages, claiming that Office Depot, Inc. breached statutory and common law duties, which breach was a proximate cause of the wrongful death of

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

David Yamas. The district court granted summary judgment to Office Depot holding that Office Depot owed no duty, statutory or common law, to David Yamas under the facts of this case. The district court further held that Office Depot's acts were not a proximate cause of the accident which resulted in the death of David Yamas.

After conducting a *de novo* review of the record in this case, we conclude that Office Depot was entitled to summary judgment for essentially the reasons set out in the district court's order. *Main v. Office Depot, Inc.*, Cause No. 3:95-CV-135BN, S.D.Miss., January 31, 1996.

AFFIRMED.