

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

March 2, 2009

No. 08-30806
Summary Calendar

Charles R. Fulbruge III
Clerk

HALLMARK CAPITAL GROUP, LLC, doing business as Paul Davis
Restoration of Southwest Houston

Plaintiff - Appellee

v.

6320 HAYNE BLVD INC

Defendant - Appellant

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:06-CV-1324

Before HIGGINBOTHAM, BARKSDALE, and ELROD, Circuit Judges.

PER CURIAM:*

In this diversity action, 6320 Hayne Blvd., Inc., appeals the judgment, entered following a two-day bench trial, in favor of Hallmark Capital Group, LLC. This action concerns post-Hurricane Katrina emergency repairs by Hallmark to Appellant's property.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Appellant contends the district court erred by finding no contract existed between the parties. In the alternative, it contends the district court erred by awarding Hallmark compensation under the equitable doctrine of *actio de in rem verso* (a Louisiana-law term for unjust enrichment) in the absence of sufficiently detailed proof of Hallmark's expenses and in an amount greater than the benefit Appellant derived from Hallmark's work. In that regard, the district court awarded far less in damages than the amount sought by Hallmark.

“On appeal from a judgment after a bench trial, we review the findings of fact for clear error and the legal issues de novo.” *Houston Exploration Co. v. Halliburton Energy Servs., Inc.*, 359 F.3d 777, 779 (5th Cir. 2004). Essentially for the reasons stated in the district court's detailed and well-reasoned Order and Reasons of 20 March 2008, the judgment is

AFFIRMED.