

FILED

November 14, 2003

Charles R. Fulbruge III
Clerk

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 03-30276
Summary Calendar

SHELBA J. GREGG, WIFE OF; FRANK D. GREGG,

Plaintiffs-Appellants,

VERSUS

JOHN W. LINDER, II; JAMES O M WOMACK; PATRICK J. BERRIGAN,

Defendants-Appellees.

Appeals from the United States District Court
For the Eastern District of Louisiana

Before SMITH, DeMOSS, and STEWART, Circuit Judges.

PER CURIAM:

Asserting jurisdiction on the basis of diversity of citizenship, Frank D. Gregg and his wife, Shelba J. Gregg (hereinafter "Plaintiffs") filed this legal malpractice action in the U.S. District Court against John W. Linder, II; James O M Womack and Patrick J. Berrigan (hereinafter "Defendants") who acted as attorneys of record for Plaintiffs in a civil action filed in the United States District Court for the Eastern District of Louisiana. The Defendants filed motions for summary judgment

arguing that all of the Plaintiffs' legal malpractice claims against the Defendants were pre-empted under LSA R.S. 9:5605 and should be dismissed. The district court found that the undisputed facts demonstrated that the Plaintiffs knew or should have known the facts forming the basis of their malpractice claims more than one year prior to the filing of this suit, and therefore the claims were barred by pre-emption under LSA R.S. 9:5605. Plaintiffs appeal to this Court.

We have carefully reviewed the briefs, the record excerpts, and relevant portions of the record itself. For the reasons stated by the district court in its order and reasons filed under date of March 11, 2003, we affirm the decision of the district court to grant summary judgment in favor of Defendants.

AFFIRMED.