

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

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m 00-30362

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PORT SHIP SERVICE, INC.,

Plaintiff-Appellant-  
Cross-Appellee,

VERSUS

WARREN B MT,  
HER ENGINES, TACKLE, ETC., IN REM;  
PROGRESSIVE BARGE LINES, INC.;  
TIG INSURANCE COMPANY,

Defendants-Appellees-  
Cross-Appellants,

UNIDENTIFIED PARTY,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Eastern District of Louisiana

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June 11, 2001

Before SMITH, DUHÉ, and WIENER,  
Circuit Judges.

PER CURIAM:\*

In this lawsuit resulting from an allision, liability has been conceded, so the appeal raises only issues regarding the amount of damage. After a bench trial, the district court found that plaintiff Port Ship Service, Inc., had unreasonably failed to minimize its damages; the court reduced the award accordingly. The court also depreciated only 50% of the repair costs, reasoning that part of the repairs were made using parts salvaged from the existing dock and therefore did not enhance the useful life of those parts. Port Ship appeals, and defendants cross-appeal.

We have reviewed the briefs and applicable law and pertinent portions of the record and have heard the arguments of counsel. We conclude that the district court did not err in its findings and conclusions. The judgment is **AFFIRMED**, essentially for the reasons given by the district court.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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