

May 30, 2003

Charles R. Fulbruge III
Clerk

**UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT**

No. 02-60572

MISSISSIPPI TRUCKING ASSOCIATION, INC.; MISSISSIPPI
TRUCKING ASSOCIATION MANAGEMENT SERVICES
INCORPORATED EMPLOYEE WELFARE BENEFIT PLAN,

Plaintiffs-Appellants,

versus

F. A. RICHARD & ASSOCIATES, INC., doing business as Fara
Benefit Services; LEON GOLEMI,

Defendants-Appellees.

Appeal from the United States District Court
For the Southern District of Mississippi
No. 3:01-CV-369-BN

Before DAVIS, CYNTHIA HOLCOMB HALL* and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:**

Mississippi Trucking Association, Inc. and Mississippi Trucking Association Management

* Circuit Judge of the Ninth Circuit, sitting by designation.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Services, Inc. Employee Welfare Benefit Plan (collectively, “MTA”) appeal the district court’s grant of summary judgment in favor of F.A. Richard & Associates, Inc., doing business as FARA Benefit Services, and its Director, Leon Golemi (collectively, “FARA”). This dispute arises out of FARA’s role in establishing a partially self-funded employee health benefits plan for the use of MTA’s members. MTA claims that FARA represented that MTA’s exposure under the plan would be limited to \$200,000, whereas the plan has to date cost MTA at least \$585,917.90. On appeal, MTA contends that the district court erred in concluding that no genuine issues of material fact existed as to its negligence, promissory estoppel and fraud claims.

We have read the briefs, heard the arguments of counsel, and consulted the pertinent portions of the record. On the basis of the record, the exhibits and the applicable case law, we find no reversible error. Accordingly, we AFFIRM essentially for the reasons given by the district court.