

July 27, 2006

Charles R. Fulbruge III
Clerk

**UNITED STATES COURT OF APPEALS
for the Fifth Circuit**

No. 05-30970

STEPHEN T. ROSS,

Plaintiff-Appellant,

VERSUS

POURTHAU INDUSTRIES AND ALBRET DOCKS,

Defendants-Appellees.

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

(2:03-CV-1237)

Before DAVIS, BARKSDALE, and DeMOSS, Circuit Judges.

PER CURIAM:*

Appellant Stephen T. Ross ("Ross") appeals the district court's final judgment granting summary judgment to Defendants Pourthau Industries¹ and Albret Docks (collectively, "Albret") on Ross's Louisiana products liability claims. Ross was injured when

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

¹Pourthau Industries is variously referred to in the record as "Pourthau Industries," "Porthau Industries," and "Pourteau Industries." This opinion uses the name as stated in the district court caption.

he fell from an aircraft maintenance dock manufactured by Albret. He brought suit against Albret in district court, alleging that the maintenance dock manufactured by Albret was unreasonably dangerous under Louisiana Revised Statutes Annotated section 9:2800.54. Specifically, Ross alleged (1) that the dock was unreasonably dangerous in design under section 9:2800.56 because the locking pins used to hold the retractable panels in place were too small, too short, and too hard to see and (2) that the dock was unreasonably dangerous because an adequate warning about the dangers associated with the locking pins was not provided as required by section 9:2800.57. The district court granted summary judgment in Albret's favor after concluding that Ross's use of the maintenance dock was not reasonably anticipated and that the danger of using the maintenance dock in the manner in which Ross did was obvious to an ordinary user.²

Having carefully reviewed the record, the briefs, and the oral argument of the parties, we AFFIRM the judgment of the district court essentially for the reasons stated therein.

AFFIRMED.

²Ross used an F Dock, designed for use in the engine area, in the cargo area.