

June 18, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-30398

ANTHONY ROSENBAUM,

Plaintiff,

versus

CAL DIVE INTERNATIONAL INC,

Defendant-Third Party Plaintiff - Appellant-Cross-Appellee,

versus

BROCO INC,

Third Party Defendant - Appellee-Cross-Appellant.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:04-CV-3274

Before SMITH, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

Cal Dive International and Broco both appeal in this products liability case involving the explosion of an underwater cutting torch manufactured by Broco that injured Anthony Rosenbaum, a commercial diver employed by Cal Dive. Cal Dive argues on appeal that the district court erred in dismissing several of its claims, drafting the jury charge, and excluding evidence of post-accident

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

changes to the torch. It also argues that the jury verdict is against the weight of the evidence. Broco argues on appeal that the court erred in allowing Cal Dive's claim to proceed to the jury.

After considering the oral and written arguments of the parties, the evidence and the record in this case, we conclude that the district court committed no reversible error of law in its rulings or its instructions to the jury, and that there was a legally sufficient evidentiary basis for the jury's findings and verdict. Accordingly, the judgment of the district court is AFFIRMED.