

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

United States Court of Appeals  
Fifth Circuit

**FILED**

March 14, 2013

\_\_\_\_\_  
No. 12-20285  
\_\_\_\_\_

Lyle W. Cayce  
Clerk

PREMIUM PLASTICS

Plaintiff-Appellant

v.

SEATTLE SPECIALTY INSURANCE SERVICES, INC.; GREAT  
AMERICAN ASSURANCE COMPANY

Defendants-Appellees

\_\_\_\_\_  
Appeal from the United States District Court  
for the Southern District of Texas  
U.S.D.C. No. 4:10-CV-03960  
\_\_\_\_\_

Before STEWART, Chief Judge, and DAVIS and CLEMENT, Circuit Judges.  
PER CURIAM:\*

Plaintiff Premium Plastics appeals the judgment of the district court in favor of the defendant. In this appeal, Premium Plastics raises one issue -- whether the district court erred in finding that Premium Plastics does not have standing as a third-party beneficiary to seek remedies under or related to the policy issued by defendant Great American Assurance Company and administered by defendant Seattle Specialty Insurance Services, Inc. This issue

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 12-20285

was not raised in the district court and Premium Plastics did not dispute defendants' arguments that Premium Plastics had no claim under the policy. Ordinarily, this court will not consider arguments not raised in the district court.

*Keenan v. Tejada*, 290 F.3d 252, 262 (5th Cir. 2002) ("If a party fails to assert a legal reason why summary judgment should not be granted, that ground is waived and cannot be considered or raised on appeal."). Because there has been no significant change in the law that would justify allowing Premium Plastics to raise this new argument that was not raised or responded to in the district court, we affirm the district court's judgment. We also deny Premium Plastics's Motion to Supplement the record.

**AFFIRMED, MOTION DENIED.**