

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

No. 17-30889

United States Court of Appeals
Fifth Circuit

FILED

December 11, 2018

Lyle W. Cayce
Clerk

KELVIN DUNN,

Plaintiff - Appellee

v.

MARQUETTE TRANSPORTATION COMPANY, L.L.C.,

Defendant - Appellant

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:16-CV-13545

Before SMITH, BARKSDALE, and HO, Circuit Judges.

PER CURIAM:*

Kelvin Dunn sued Marquette Transportation Company for unseaworthiness, maintenance and cure, and Jones Act negligence after an injury sustained on the vessel owned by Marquette. After a two-day bench trial, the district court awarded damages for past and future wages, future medical costs, past and future fringe benefits, and an award for pain and suffering. Marquette appealed the damages award, arguing that Dunn's

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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negligence should mitigate the damages, the evidence does not support the damage award, and the district court incorrectly found unseaworthiness.

We have reviewed the briefs, the applicable law, and relevant parts of the record, and heard oral argument. The district court committed no reversible error. The judgment is AFFIRMED, essentially on the basis carefully explained by the district court in its 26-page September 6, 2017 Order.