

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

United States Court of Appeals  
Fifth Circuit

**FILED**

June 24, 2019

Lyle W. Cayce  
Clerk

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No. 19-40039  
Summary Calendar

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CRISTINA SANCHEZ, Individually and as Next Friend Of XXXXX XXXXX  
XXXXX and XXXXX XXXXX XXXXX,

Plaintiff - Appellant

v.

HOME DEPOT USA, INCORPORATED, doing business as Home Depot,

Defendant - Appellee

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 7:18-CV-90

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Before DENNIS, CLEMENT, and OWEN, Circuit Judges.

PER CURIAM:\*

Cristina Sanchez was an associate at Home Depot, working in the outdoor garden center. One day in March 2016, it began to rain. Sanchez asked her supervisor to close the center, but he initially told her to wait. When she asked again after an unspecified amount of time, the supervisor told her to

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\* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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close the gate to the area. As Sanchez closed the gate, she was struck by lightning.

Sanchez sued Home Depot for negligence. Home Depot moved for summary judgment solely on the issue of causation and the district court granted the motion. We affirm. Sanchez has not produced evidence showing a genuine material issue of fact as to whether her injuries from the lightning strike were a foreseeable result of the delay in closing the outdoor garden center.