

UNITED STATES COURT OF APPEALS

For the Fifth Circuit

No. 92-7537

ROY E. CHATHAM, JR. AND GLENDA S. CHATHAM,

Plaintiffs-Appellants, Cross-Appellees,

VERSUS

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY,

Defendant-Appellee, Cross-Appellant.

Appeal from the United States District Court
For the Southern District of Mississippi

CA E91 0012 (L)

(May 10, 1993)

Before WISDOM, DAVIS, and SMITH, Circuit Judges:

PER CURIAM:*

This case stems from an automobile accident in Mississippi. The plaintiffs, Roy and Glenda Chatham, were injured in an accident caused by the negligence of the driver of another car. At the time of the accident, the Chathams were covered under three automobile

* Local Rule 47.5.1 provides:
"The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession."
Pursuant to that rule, the court has determined that this opinion should not be published.

insurance policies issued by State Farm. Each policy provided uninsured motorist bodily injury coverage of \$10,000 for "each person", and \$20,000 for "each accident", with property damage coverage of \$5,000 for "each accident". The policies "stack" which means that total coverage is \$30,000 per person, \$60,000 per accident, and \$15,000 property damage. The tortfeasor had a \$25,000 single limit automobile liability policy from Commercial Union. Because the limits of the Chathams policy are greater than the limits of the tortfeasor's, the Chathams are considered uninsured motorists under Miss. Code Ann. §83-11-103 (c) (iii).

Glenda Chatham suffered severe injuries, in excess of her insurance cap of \$30,000. Roy suffered \$5,000 in personal injuries and also claimed damages for loss of consortium. The car was also damaged.

The Chathams sought \$36,500, because they believed that Roy's claim for loss of consortium is not derivative of Glenda's injuries. State Farm offered only \$5,000. The district judge held that Roy's loss of consortium claim is derivative of Glenda's bodily injuries, and that State Farm owed the Chathams \$14,248.92. The court also granted summary judgment for State Farm on the issue of bad faith and denied the Chatham's request for prejudgment interest.

We hold that the district court's decision accurately reflects Mississippi law and therefore AFFIRM the judgment of the district court.