

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-3523
Summary Calendar

COUTINHO CARO & CO.,

Plaintiff-Appellant,

VERSUS

HYDE PARK SHIPPING, INC., et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Louisiana
(CA-91-3247-A-6)

(March 10, 1993)

Before GARWOOD, SMITH, and DeMOSS, Circuit Judges.

PER CURIAM:*

The plaintiff brought this action under the Carriage of Goods by Sea Act, alleging damage to goods shipped by the defendants. The district court took the matter under submission on the pleadings, depositions, exhibits, and memoranda of counsel and issued an impressive, forty-seven-page opinion containing detailed factual findings. Essentially, the court concluded that

* 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 Pursuant to that rule, the court has determined that this opinion should not be published.

the cause of the rust on the steel coils was not well established by the evidence but that in all probability, most of the rusting occurred after the carriage in question.

The most significant part of the court's findings reads as follows:

In summary, the facts are that: (1) the cargo of 512 galvanized steel coils were stored by Lamigal for approximately 3 weeks prior to shipment; (2) they were first loaded aboard the HYDE PARK on July 17, 1990; (3) they were discharged from the HYDE PARK and loaded into ACBL's barges in New Orleans on July 30, 1990 and there was no evidence of wetness aboard HYDE PARK or either of the barges; (4) they were last discharged by ACBL's barges in Lemont, Illinois on September 11, 1990 and stored at R.A. Industries' warehouse with no exceptions noted by the it [sic]; (5) thereafter the coils were held in storage at R.A. Industries [sic] warehouse for varying lengths of time until delivered to Coutinho's customers between September 25, 1990 and August 30, 1991; (6) the first 109 coils randomly selected by the warehouse and delivered to Coutinho's customers between September 25, 1990 and October 11, 1990 apparently arrived in good order as no complaints were received from customers with respect to that cargo; and (7) thereafter the first complaint was made by Coutinho's customer, Leigh Products, and regarding the post-October deliveries of steel coils, customer complaints proliferated. The evidence preponderates to the effect that the with the [sic] passage of time during the cargo's storage at R.A. Industries [sic], which was equipped with heaters but which were not in use during the winter months, the numbers of coils exhibiting white rust increased exponentially.

The plaintiff has pointed to nothing in the record that renders these findings clearly erroneous.

The district court's comprehensive opinion convinces us that there is no reversible error. The judgment, accordingly, is AFFIRMED.