

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

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No. 93-3693
Summary Calendar
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FLOYD MORRIS,

Plaintiff-Appellant,

versus

EQUITABLE SHIPYARDS, INC. and
TRINITY INDUSTRIES, INC.,

Defendants,

TRINITY INDUSTRIES, INC.,

Defendant-Appellee.

* * * * *

THE TRAVELERS INSURANCE COMPANY,

Intervenor-Appellant.

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Appeal from the United States District Court for the
Eastern District of Louisiana
(CA 92-1400 E)

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(February 21, 1994)

Before GARWOOD, SMITH and DeMOSS, Circuit Judges.*

* Local Rule 47.5 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

PER CURIAM:

Plaintiff-appellant Floyd Morris (Morris) brought this Louisiana law negligence suit in state court against Equitable Shipyards, Inc., predecessor in interest of Trinity Industries, Inc., defendant-appellee (Trinity), which in April 1992 removed the case to the district court below on the basis of diversity. Morris was allegedly injured on Trinity's shipyard premises in New Orleans while in the course and scope of his employment for Hopeman Brothers, Inc. (Hopeman), which was under contract with Trinity to perform work on vessels at Trinity's shipyard. By January 1993, Morris had waived trial by jury and the case was set for nonjury trial for August 26, 1993. On July 16, 1993, Trinity moved for summary judgment. The district court granted the motion in an order and reasons signed August 20, 1993; Morris timely filed a motion for new trial or to amend the judgment, which the district court denied by order dated September 16, 1993. Morris appeals, as does Travelers Insurance Company, which had intervened to recover compensation benefits it had allegedly paid Morris in respect to the same injury under the United States Longshore and Harbor Workers' Compensation Act (LHWCA) "and/or" the Louisiana Workers' Compensation Act.

We affirm, essentially for the reasons stated in the district court's August 20, 1993, and September 16, 1993, orders. We further observe that no authority has been cited to indicate that the liability of an employer or its LHWCA insurer to an employee for compensation under the LHWCA is "solidary" with a third-party's

negligence liability at law to the employee in respect to the same injury.

AFFIRMED.