UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 93-4619
Summary Calendar

JAMES HUBERT SOILEAU,

Plaintiff-Appellant,

versus

DANOS & CUROLE MARINE CONTRACTORS, INC.,

Defendant-Appellee.

Appeal from the United States District Court
For the Western District of Louisiana
(6:91-CV-2691)

(December 30, 1993)

Before POLITZ, Chief Judge, DAVIS and SMITH, Circuit Judges.

PER CURIAM:[*]

James Soileau seeks review of an adverse summary judgment in favor of Danos & Curole Marine Contractors, Inc. Finding no error, we affirm.

Soileau, a welder on a Chevron offshore production platform, allegedly suffered injuries when his co-worker, Berza, failed to

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

secure a loose handrail. Although neither worked directly for Chevron, both were Chevron's borrowed employees. Filco International, Inc. nominally employed Soileau; Danos & Curole nominally employed Berza.

Although Filco honored Soileau's Longshore and Harbor Workers' Compensation claim, Soileau sought damages from Danos & Curole claiming vicarious liability for Berza's act. The district court dismissed Soileau's suit, concluding that the LHWCA[1] rendered Danos & Curole immune from suit. Soileau timely appealed.

On appeal Soileau advances two claims; both are foreclosed by the LHWCA and our decision in **Perron v. Bell Maintenance and Fabricators, Inc.**[2] He first maintains that section 933(i) of the LHWCA does not shield the nominal employer of a borrowed co-employee from vicarious liability if that nominal employer had no obligation to provide worker's compensation. In **Perron** we held that borrowed co-employees are indeed "persons in the same employ,"[3] and that the LHWCA provides the exclusive remedy for an on-the-job injury. As we noted in **Perron**, "The fact that [the nominal employer] is not [the injured party's] employer is irrelevant to whether § 933(i) bars his action."[4]

Soileau further contends that the phrase "persons in the same

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[1]33 U.S.C. § 933(i).

[2]970 F.2d 1409 (5th Cir. 1992), cert. denied, 113 S.Ct. 1264 (1993).

[3]Section 933(i) extends tort immunity to "persons in the same employ." 8 U.S.C. § 933(i).

[4]970 F.2d at 1409.

employ" limits section 933(i) immunity to natural persons. We need look no further than section 902(l), the definitional section of the LHWCA, to reject this argument. That section defines "person" to include an "individual, partnership, corporation, or association."[5]

AFFIRMED.

[5]33 U.S.C. § 902(l).