

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 95-60349

KATHY DOOLEY, Individually and as Administratrix of the
Estate of Bruce A. Dooley, and as Next Friend of
Issac Dooley and Dawn Dooley,

Plaintiff-Appellant,

VERSUS

INTERNATIONAL SAFETY INSTRUMENTS, INC.

Defendant-Appellee,

and

TEAM ENVIRONMENTAL SERVICES; ABC CORPORATION, BRAND SCAFFOLD
SERVICES, INC.; SCAFFOLDING RENTAL AND ERECTION SERVICES, INC.,
also known as Brand Scaffold Services, Inc.,

Defendants.

Appeal from the United States District Court
For the Southern District of Mississippi
(1:93-CV-562-GR)

April 8, 1996

Before DUHÉ, BARKSDALE, and DeMOSS, Circuit Judges.

PER CURIAM:¹

Bruce Dooley was killed while performing his work at Chevron's Biloxi, Mississippi refinery and his widow and children brought this action claiming defective design against the manufacturer of

¹ Pursuant to Local Rule 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

the safety breathing equipment he was using. The district court granted summary judgment for defendant and plaintiffs appeal. We affirm.

Plaintiffs contend the district court erred by weighing the credibility of plaintiff's expert witness and in granting summary judgment for defendant. We have carefully considered the parties' briefs, their oral argument, and have studied the record; in particular, the district court's reasons for its ruling. We are convinced that the district court did not weigh the credibility of plaintiff's expert nor did the district court rule that evidence inadmissible. Careful reading of the district court's pronouncements shows that, considering the expert evidence, the district court found that plaintiffs have not shown an issue of material fact as to defect in the design of the safety equipment or any causal connection between its design and the tragic death of Mr. Dooley. We see no error in this ruling.

AFFIRMED.