

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-30663

LIFECARE HOSPITALS INC

Plaintiff-Appellee

v.

FRIDEN HOTEL CO; ET AL

Defendants

FRIDEN HOTEL CO; R E HARRINGTON INC

Defendants-Appellants

Appeal from the United States District Court
for the Eastern District of Louisiana
(95-cv-1313)

March 6, 1997

Before REAVLEY, KING, and BARKSDALE, Circuit Judges.

PER CURIAM:*

The district court correctly concluded that the preemption issue in this case is controlled by our decision in Memorial Hospital System v. Northbrook Life Ins. Co., 904 F.2d 236 (5th Cir. 1990). Further, the district court correctly held that under the evidence presented the defendants owed a duty to the plaintiff to supply it with correct information regarding the

*Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

benefits available to Ms. Griffin, that the defendants breached that duty as a result of their negligence and that the plaintiff was damaged as a result of the defendants' negligent misrepresentations. The factual findings made by the district court in this connection are not clearly erroneous.

AFFIRMED.