

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-30903
Summary Calendar

MONA CHANDLER and CLARENCE CHANDLER,

Plaintiffs-Appellants,

versus

SEARS ROEBUCK & COMPANY,

Defendant-Appellee.

Appeal from the United States District Court
For the Western District of Louisiana
(96-CV-1109)

July 14, 1998

Before POLITZ, Chief Judge, DAVIS and BENAVIDES, Circuit Judge.

PER CURIAM:*

Mona Chandler appeals the quantum of general damages awarded by the district court for injuries she suffered as a result of a slip and fall. Her husband Clarence Chandler appeals the denial of his loss of consortium claim. For the

*Pursuant to 5TH CIR. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

reasons assigned, we affirm.

Background

Mona Chandler suffered injuries from a slip and fall at the Sears Retail Outlet in Lake Charles, Louisiana on March 29, 1995. The accident resulted from the presence of a clear plastic clothing clip on the walkway of the store. As a result of the fall, Mona Chandler suffered a tear of the medial meniscus in her left knee which required surgery and physical therapy.

The instant action was brought against Sears, alleging that the clip presented an unreasonable risk of harm, and that Sears had either actual or constructive notice of the condition and Sears failed to exercise reasonable care, occasioning the injuries. Clarence Chandler asserted a claim for loss of consortium. After a bench trial, the district court awarded Mona Chandler \$36,925.97, representing \$21,925.97 for medical expenses and \$15,000 for pain and suffering. Clarence Chandler's loss of consortium claim was denied. Both Chandlers timely appealed.

Analysis

The Chandlers contend that the district court erred in determining the quantum of the pain and suffering award and in denying the loss of consortium claim. Our review of the briefs and record reflects no reversible error and on the facts as found, authorities cited, and analysis made by the district court in its

Memorandum Ruling signed and filed on July 29, 1997, the judgment appealed is
AFFIRMED.