

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

April 7, 2011

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No. 10-10160  
\_\_\_\_\_

Lyle W. Cayce  
Clerk

DR. ELLIOTT KRAMES; ROSELLEN KRAMES; PACIFIC PAIN  
TREATMENT CENTER; PACIFIC PAIN TREATMENT CENTER DEFINED  
BENEFIT PLAN,

Plaintiffs-Appellants-Cross-Appellees

v.

LIFE INSURANCE COMPANY OF THE SOUTHWEST; NATIONAL LIFE  
OF VERMONT, also known as National Life Insurance Company,

Defendants-Counter-Claimants-Appellees-Cross-Appellants-  
Cross-Appellees

v.

KENNETH BOHANNON; TERRY HOLMAN,

Defendants-Counter-Defendants-Cross-Appellees-Cross-  
Appellants

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Appeals from the United States District Court  
for the Northern District of Texas  
\_\_\_\_\_

Before GARWOOD, GARZA and DENNIS, Circuit Judges.

PER CURIAM:

The judgment of the district court dismissing with prejudice all the claims of plaintiffs-appellants against defendants-appellees Life Insurance Company of the Southwest and National Life of Vermont (also known as National Life

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Insurance Company) is affirmed, for the reasons, among others, essentially as stated in the district court's November 12, 2009 Memorandum Opinion, and because this court also concludes that the Summary Judgment evidence does not support a finding of conversion by either of the said defendants-appellees.

The foregoing renders moot the cross-appeal of said Life Insurance Company of the Southwest and of said National Life of Vermont, and likewise renders moot the cross-appeal of defendants-cross-appellants Kenneth Bohannon and Terry Holman, and accordingly said cross-appeals are dismissed as moot.

**AFFIRMED; CROSS-APPEALS DISMISSED AS MOOT.**