

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-30787

Summary Calendar

The Aetna Casualty & Surety Company,
Plaintiff-Appellee,
versus
Acceptance Insurance Co.,
Defendant-Appellant.

Appeal from the United States District Court
For the Eastern District of Louisiana
(99-CV-99-F)

January 12, 2001

Before HIGGINBOTHAM, WIENER, and BARKSDALE, Circuit Judges.

PER CURIAM:*

This case concerns which insurers are obligated to pay coverage for an accident that occurred at the Morial Convention Center in New Orleans. Acceptance Insurance appeals from an order of the district court that both the Aetna policy and Acceptance's policy are primary, and should share jointly in paying coverage.

Having reviewed the briefs and the record, we are convinced that the district court judgment is correct and should be upheld. Aetna is not attempting to subrogate into the rights of its

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

insured, nor to seek contribution from its insured, nor to assert any policy defenses. Rather, Aetna is suing to enforce the terms of its insurance policy and Acceptance's policy, which both provide primary coverage on these facts. AFFIRMED.