

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No.99-30559

CATHY DEAN SPRINGER, As natural tutrix on behalf of her minor children, Gregory Paul Dean, Jr., and Jessica Marie Dean,

Plaintiff-Appellant,

versus

K-MART CORPORATION,

Defendant-Appellee.

Appeal from the United States District Court
for the Eastern District of Louisiana
Lower Court No. 97-CV-3293-C

March 3, 2000

Before JONES, DUHÉ, and WIENER, Circuit Judges.

PER CURIAM:*

Having considered this appeal in light of the briefs and pertinent Louisiana authorities, we affirm for essentially the reasons stated by the district court. The appellants' claim does not fit within the narrow exception to exclusivity of the Louisiana Worker's compensation regime identified by the Louisiana Supreme Court in Weber v. State, 635 So.2d 188 (La. 1994). See also Kelly v. CNA Ins. Co., 729 So.2d 1033 (La. 1999). We also find no basis for a claim predicated on Stevens v. Wal-Mart Stores, Inc., 688

* Pursuant to 5th Cir. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.

So.2d 668 (La. App. 1997), because appellants sought recovery for wrongful death, not for a worsening of the decedent's condition. Further, Kelly appears to undermine Stevens. Appellants' constitutional arguments are meritless.

AFFIRMED.