

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

United States Court of Appeals
Fifth Circuit

FILED

March 10, 2009

Charles R. Fulbruge III
Clerk

No. 08-30295

RODNEY ATKINS; HEBERT L. BREAU; RAYMOND AUSTIN;
DEMOND BANKS; JOHN L. BOOKER; et al.,

Plaintiffs-Appellants,

versus

FERRO CORPORATION,

Defendant-Appellee.

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JACQUELINE T. SPEARS; SIMON P. ARMWOOD; JANICE BARKLER;
ARCHIE L. BORSKEY; JOE L. CLARK; et al.,

Plaintiffs-Appellants,

versus

FERRO CORPORATION,

Defendant-Appellee.

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JOSHUA ASHLEY; MICHAEL BELL; BRIAN BENENUTI;
ALLEN BABIN; COREY BROWN; et al.,

Plaintiffs-Appellants,

versus

ED FRINDT, Ferro Corporation, Plant Manager,

Defendant-Appellee.

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PAUL BAKER; et al.,

Plaintiffs-Appellants,

versus

FERRO CORPORATION,

Defendant-Appellee.

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JOSHUA ASHLEY; et al.,

Plaintiffs-Appellants,

versus

FERRO CORPORATION,

Defendant-Appellee.

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WILL GASPARD; et al.,

Plaintiffs-Appellants,

versus

ED FRINDT, Plant Manager; FERRO CORPORATION,

Defendants-Appellees.

Appeals from the United States District Court
for the Middle District of Louisiana
No. 3:03-CV-945

Before SMITH, OWEN, and HAYNES, Circuit Judges.

PER CURIAM:*

The parties dispute whether the amount in controversy is sufficient for diversity jurisdiction. We have reviewed the briefs and pertinent portions of the record and have heard the arguments of counsel. We also have consulted applicable sources of law.

We can look to similar cases to assist in determining the amount in contro-

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

versy. *See, e.g., Marcel v. Pool Co.*, 5 F.3d 81, 82-83 (5th Cir. 1993). This case is largely controlled and informed by No. 07-30530, *In re 1994 Exxon Chem. Fire*, 2009 U.S. App. LEXIS 2639 (5th Cir. Feb. 4, 2009).

The district court, albeit without benefit of the decision in *Exxon*, correctly decided that the amount-in-controversy requirement is satisfied. Because plaintiffs presented no expert testimony in support of causation, there is no error in the summary judgment to Ferro Corporation. *See Allen v. Pa. Eng'g Corp.*, 102 F.3d 194, 199 (5th Cir. 1996). The judgment is AFFIRMED, essentially for the reasons given by the district court.