

**NOT RECOMMENDED FOR FULL-TEXT PUBLICATION**

**File Name: 09a0500n.06**

**No. 09-5001**

**UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**

**FILED**  
**Jul 20, 2009**  
LEONARD GREEN, Clerk

JOHN FORD, Ancillary Administrator of the )  
Estate of Charles M. Jayne, Deceased, )  
)  
Plaintiff-Appellant, )  
)  
v. ) ON APPEAL FROM THE UNITED )  
) STATES DISTRICT COURT FOR THE )  
RDI/CAESARS RIVERBOAT CASINO, ) WESTERN DISTRICT OF KENTUCKY )  
LLC; CAESARS RIVERBOAT CASINO, )  
LLC; CAESARS INDIANA, )  
)  
)  
Defendants-Appellees. )

Before: COLE and COOK, Circuit Judges; COHN, District Judge\*

PER CURIAM. Charles Jayne died in Kentucky in September 2004 when a drunk driver struck his vehicle. Within a month of Charles's death, an Indiana court appointed his son, Todd Jayne, administrator of Charles's estate. Seven months later, a Kentucky probate court appointed John Ford as administrator of the same estate. In April 2006—eleven months after Ford's appointment—Ford brought a wrongful death action in Kentucky. The defendants removed, and the district court dismissed the suit as barred by Kentucky's one-year wrongful death statute of limitations, *see* Ky. Rev. Stat. 413.180, holding that the limitations period began running when the Indiana court appointed Todd. Ford timely appealed.

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\*The Honorable Avern Cohn, United States District Judge for the Eastern District of Michigan, sitting by designation.

No. 09-5001

*Ford v. RDI/CAESARS*

The sole issue presented by this appeal concerns whether Kentucky's wrongful death statute of limitations commenced when an Indiana probate court appointed an administrator of the decedent's estate. The district court concluded that it did, and we discern no error in that determination. Because our review of the record, the applicable law, and the parties' briefs convinces us that the district court's memorandum opinion carefully and correctly set out the facts and the governing law, a full opinion from this court would be duplicative and serve no jurisprudential purpose. We therefore affirm the district court judgment dismissing the wrongful death claim as untimely, adopting the reasoning of the district court's December 2, 2008, opinion. *See Ford v. RDI/Caesars Riverboat Casino, LLC*, No. 3:06-CV-243-H, 2008 WL 5109750 (W.D. Ky. 2008).