NOT RECOMMENDED FOR FULL-TEXT PUBLICATION
File Name: 12a1038n.06

No. 11-5128

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Sep 28, 2012
DEBORAH S. HUNT, Clerk

PEARLIE M. GREEN; GREGORY A. BURKS,	)	
	)	
Plaintiffs-Appellants,	)	ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE
	)	
v.	)	
	)	
MUTUAL OF OMAHA INSURANCE COMPANY,	)	
	)	
Defendant-Appellee.	)	
	)	

BEFORE: BOGGS and GRIFFIN, Circuit Judges; and BARZILAY, Judge.*

PER CURIAM.

In this diversity insurance-contract dispute arising under Tennessee law, plaintiffs Pearlie M. Green and Gregory A. Burks appeal the district court's order granting defendant Mutual of Omaha Insurance Company's motion to dismiss plaintiffs' complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). Plaintiff Green applied for and obtained an Accidental Death Insurance Policy from Mutual. The policy covered the applicant, the applicant's "Spouse," and the applicant's dependent children. On the insurance application, Green listed Robert Billups as her spouse and plaintiff Burks as the beneficiary. As it turned out, Green and Billups were not legally married. Thus, when Billups died in a motorcycle accident two years later, Mutual, after a brief investigation

*The Honorable Judith M. Barzilay, Senior Judge, United States Court of International Trade, sitting by designation.

of the matter, denied coverage and refused to pay benefits arising from his death because he was not an insured person under the policy.

Plaintiffs filed a lawsuit in the Tennessee state court alleging seven claims, including, *inter alia*, breach of contract, violation of the Tennessee Consumer Protection Act, and fraud. Mutual removed the case to federal district court on the basis of diversity of citizenship and then filed a Rule 12(b)(6) motion to dismiss the complaint. The district court granted defendant's motion as to all of the claims and dismissed the complaint in its entirety. Plaintiffs now appeal.

After reviewing the record, the parties' briefs, and the applicable law, this court determines that a panel opinion further addressing the issues raised would serve no jurisprudential purpose. We therefore affirm the district court's decision for the reasons stated in that court's opinion.

AFFIRMED.