

August 31, 2004

Charles R. Fulbruge III
Clerk

In the
United States Court of Appeals
for the Fifth Circuit

m 03-41613

SYLVESTER McCLAIN,
ON HIS OWN BEHALF AND ON BEHALF OF A CLASS OF SIMILARLY SITUATED PERSONS;
BUFORD THOMAS,
ON HIS OWN BEHALF AND ON BEHALF OF A CLASS OF SIMILARLY SITUATED PERSONS;
PATRICK ROSS,
ON HIS OWN BEHALF AND ON BEHALF OF A CLASS OF SIMILARLY SITUATED PERSONS;
MARY THOMAS,
ON HER OWN BEHALF AND ON BEHALF OF A CLASS OF SIMILARLY SITUATED PERSONS;
EDDIE K. MASK,
ON HIS OWN BEHALF AND ON BEHALF OF A CLASS OF SIMILARLY SITUATED PERSONS;
LEROY GARNER,
ON HIS OWN BEHALF AND ON BEHALF OF A CLASS OF SIMILARLY SITUATED PERSONS;
SHERRY CALLOWAY SWINT,
ON HER OWN BEHALF AND ON BEHALF OF A CLASS OF SIMILARLY SITUATED PERSONS;
JOHN DOE,
ON HIS OWN BEHALF AND ON BEHALF OF A CLASS OF SIMILARLY SITUATED PERSONS;
FLORINE THOMPSON,
ON HER OWN BEHALF AND ON BEHALF OF A CLASS OF SIMILARLY SITUATED PERSONS;
JOHN DOE, III,
ALSO KNOWN AS "C,"
ON HIS OWN BEHALF AND ON BEHALF OF A CLASS OF SIMILARLY SITUATED PERSONS;
CLIFFORD R. DUIRDEN,
ON HIS OWN BEHALF AND ON BEHALF OF A CLASS OF SIMILARLY SITUATED PERSONS;
EARL POTTS,
ON HIS OWN BEHALF AND ON BEHALF OF A CLASS OF SIMILARLY SITUATED PERSONS;
RONALD MARK,
ON HIS OWN BEHALF AND ON BEHALF OF A CLASS OF SIMILARLY SITUATED PERSONS;
PLAINTIFF CLASS,

Plaintiffs-Appellees,

VERSUS

LUFKIN INDUSTRIES, INC.,

Defendant-Appellee,

VERSUS

GLASS, MOLDERS, POTTERY, PLASTICS & ALLIED WORKERS
INTERNATIONAL UNION, LOCAL No. 429, AFL-CIO/CLC;
INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS,
LOCAL LODGE No. 1999, AFL-CIO/CLC;
INTERNATIONAL BROTHERHOOD OF BOILERMAKERS, IRON SHIP BUILDERS,
BLACKSMITHS, FORGERS & HELPERS, LOCAL No. 587, AFL-CIO/CLC,

Movants-Appellants.

Appeal from the United States District Court
for the Eastern District of Texas
m 9:97-CV-63

Before KING, Chief Judge, SMITH and
EMILIO M. GARZA, Circuit Judges.

reversible error, we AFFIRM, essentially for
the reasons given by the district court.

PER CURIAM.*

The union appeals the denial of its motion to intervene. We have reviewed the briefs and pertinent portions of the record and have heard the oral arguments of counsel. Finding no

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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