

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

SYLVESTER MCCLAIN, on his own §
behalf and on behalf of a class of similarly §
situated persons, et al. §
Plaintiff §

5. §

LUFKIN INDUSTRIES, §

Defendant §

Case No. 9:97-CV-063
Judge Howell Cobb

**ORDER GRANTING IN PART AND DENYING IN PART LUFKIN INDUSTRIES,
INC.'S MOTION TO AMEND AND MAKE ADDITIONAL FINDINGS OF FACT**

Lufkin Industries, Inc.'s Motion to Amend and Make Additional Findings of Fact is **GRANTED IN PART** and **DENIED IN PART**. The court finds that Paul Perez, a person of Hispanic descent, has been the corporate employee or officer in charge of Lufkin's Human Resources and Law Departments. Mr. Perez testified during the class certification hearing. The court also amends its judgment to delete the award of pre-judgment interest at the rate of 10% compounded annually. Pre-judgment interest is instead to be awarded at the rate of 5% compounded annually, in accord with the Texas Finance Code section 304.003. The court denies the remainder of Lufkin's Amendments and Additional Findings of Fact as unnecessary and/or unsupported by the evidence presented before this court.

SIGNED at BEAUMONT, Texas, on this the 14 day of February, 2005.



HOWELL COBB
UNITED STATES DISTRICT JUDGE