

FILED

November 29, 2005

Charles R. Fulbruge III
Clerk

In the
United States Court of Appeals
for the Fifth Circuit

m 04-40496

LARRY BROCK; ET AL.,

Plaintiffs,

ALICE HIGGINS; WILLIAM HIGGINS; MIKE HIGGINS ENTERPRISES, INC.;
KATHY PLUNKETT; CHARLES PLUNKETT; BILLY DAN ROLLING;
ADDIE HALL; SCOTT RENEAU; DONNA RENEAU,

Plaintiffs-Appellants,

FLAVIO OLIVAREZ,

Plaintiff-
Counter Defendant-
Appellant,

VERSUS

BASKIN-ROBBINS USA, Co.; BASKIN-ROBBINS INC.,

Defendants-
Counter Claimants-
Appellees.

* * * * *

BASKIN-ROBBINS INC.,

Plaintiff-Appellee,

VERSUS

CHARLES RONALD PLUNKETT; KATHY ELIZABETH PLUNKETT,

Defendants-Appellants.

Appeal from the United States District Court
for the Eastern District of Texas
m 5:01-CV-77

Before DAVIS, SMITH, and DENNIS,
Circuit Judges.

PER CURIAM:*

The plaintiffs appeal an adverse judgment, partially resulting from a summary judgment and partially from issues determined after a trial. Plaintiffs claim, *inter alia*, improper use of monies in and from a trust fund intended for advertising.

We have reviewed the briefs and applicable

portions of the record and have heard the arguments of counsel. We conclude that the district court did not err in deciding that defendants did not commit an actionable breach of fiduciary duty in administering the fund. Nor was there error in denying leave to amend or in the various rulings on discovery or in any other aspect of the proceedings that is raised on appeal.

The judgment, accordingly, is AFFIRMED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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