

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 00-20451

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DANA ASHTON, ET AL.,

Plaintiffs,

versus

SERVICE CORPORATION INTERNATIONAL, ET AL.,

Defendants,

SERVICE CORPORATION INTERNATIONAL  
R. L. WALTRIP; L. WILLIAM HEILIGBRODT;  
GEORGE R. CHAMPAGNE,

Defendants-Appellees,

JAMES P. HUNTER, III; JAMES P. HUNTER, III  
FAMILY TRUST,

Movants-Appellants.

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Appeal from the United States District Court for  
the Southern District of Texas  
(USDC No. H-99-CV-250)

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September 13, 2000

Before REAVLEY, BENAVIDES and DENNIS, Circuit Judges.

PER CURIAM:\*

Appellants James P. Hunter, III and James P. Hunter, III Family Trust appeal the Order on Fredrick and Hunter State Cases signed on May 10, 2000. We read that order to enjoin the Hunters from opting out of the class and pursuing claims “elsewhere” – i.e., anywhere but in this action. The appellees urge that the court did not intend that effect, but that is what the order says. The action in which the case is pending is not a mandatory class action in which members are prohibited from opting out. Under the Anti-Injunction Act the court may not enjoin a party from suing in state court. We decline the invitation of the appellee to write on what the court may do under the Securities Litigation Uniform Standards Act, because the order appealed from is impermissible and nothing else is brought here by this appeal.

ORDER VACATED. CAUSE REMANDED.

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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