

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

April 27, 2011

No. 10-10571

Lyle W. Cayce
Clerk

JOE ANN HAMILTON; ERNEST HAMILTON;
ALLEAN BROOKS, Individually and on Behalf of
All Others Similarly Situated; CAROLYN JOHNSON,
Individually and on Behalf of All Others Similarly Situated;
KIMBERLY WILLIAMS-THOMPSON, Individually and on Behalf of
All Others Similarly Situated; SUZANNA L. BROWN,
Individually and on Behalf of All Others Similarly Situated;

Plaintiffs - Appellees

v.

FIRST AMERICAN TITLE INSURANCE COMPANY,

Defendant - Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:07-CV-1442

Before JONES, Chief Judge, and BENAVIDES and STEWART, Circuit Judges.

PER CURIAM:*

This court recently affirmed the denial of class certification in a suit involving title insurance premium discounts allegedly due under Texas law.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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Benavides v. Chicago Title Insurance Co., No. 10-10136, 2011 WL 1107009 (5th Cir. Mar. 23, 2011). Since the present case involves issues similar to those addressed in *Benavides*, we VACATE the district court's class certification order and REMAND for reconsideration in light of *Benavides*.

Without expressing a view on the merits of this case, we also caution plaintiff's counsel to avoid unnecessarily extending this litigation if *Benavides* compels an end to it. *See* 28 U.S.C. § 1927.