FILED

United States Court of Appeals for the Fifth Circuit

August 31, 2004

Charles R. Fulbruge III Clerk

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.

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

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

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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