

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-30121

ERIC VIZENA, Individually and on behalf of Erica Vizena, on behalf of John Eric Vizena; PATRICIA VIZENA, Individually and on behalf of Erica Vizena, on behalf of John Eric Vizena; MICHAEL ROUGEAU, Individually and on behalf of Kaitlen Rougeau, on behalf of Jena Rougeau; WENDY ROUGEAU, Individually and on behalf of Kaitlen Rougeau, on behalf of Jena Rougeau; ERIC'S BODY SHOP; KATINA THIBODEAUX, Individually and on behalf of Hailey Thibodeaux, on behalf of Taylor Thibodeaux; ANTHONY RAY ROY; VELVA STANFORD

Plaintiffs - Appellees

v.

UNION PACIFIC RAILROAD CO

Defendant - Appellant

HERBERT ARNOLD; JUDITH ARNOLD

Plaintiffs - Appellees

v.

UNION PACIFIC RAILROAD CO

Defendant - Appellant

BRYANT CORMIER; SYBIL SMITH; WENDY THIBODEAUX

Plaintiffs - Appellees

v.

UNION PACIFIC RAILROAD CO; ET AL

Defendants

UNION PACIFIC RAILROAD CO

Defendant - Appellant

GARY GAUDIN; LINDA GAUDIN

Plaintiffs - Appellees

v.

UNION PACIFIC RAILROAD CO

Defendant - Appellant

HOLLY FONTENOT; JOHN PASTERICK; EVELINE ARDOIN; JOHN FONTENOT

Plaintiffs - Appellees

v.

UNION PACIFIC RAILROAD CO; ET AL

Defendants

UNION PACIFIC RAILROAD CO

Defendant - Appellant

GARY FONTENOT, Etc; ET AL

Plaintiffs

NEAL TRAHAN; AMY TRAHAN, on behalf of Brianne Stanford

Plaintiffs - Appellees

v.

UNION PACIFIC RAILROAD CO; ET AL

Defendants

UNION PACIFIC RAILROAD CO

Defendant - Appellant

PATRICK MILLER; GAIL FRYE; DWIGHT COLLINS; APRIL COLLINS;
CLAYTON SCOTT, SR; PATRICIA CEASAR; KEISHA VICTORIAN MILLER

Plaintiffs - Appellees

v.

UNION PACIFIC RAILROAD CO

Defendant - Appellant

WALTER J ANDREPONT; PATRICK JAMES BERTRAND; MARY INC, doing
business as Manuel Oil Co; LISA THIBODEAUX; SAM E THUMBLIN, JR;
ERMA TROSCLAIR; WAVELAND SERVICES INC

Plaintiffs - Appellees

v.

UNION PACIFIC RAILROAD CO; ET AL

Defendants

UNION PACIFIC RAILROAD CO

Defendant - Appellant

JOHN DANA LATOUR; JUDY LATOUR; DULA JOHNSON

Plaintiffs - Appellees

v.

UNION PACIFIC RAILROAD CO

Defendant - Appellant

LINTON SAM

Plaintiffs - Appellees

v.

UNION PACIFIC RAILROAD CO

Defendant - Appellant

DEBRA HARDY, on behalf of Kristen Hardy, on behalf of Leola Poulard, on behalf of Shaun Hardy; GARY HARDY, on behalf of Kristen Hardy, on behalf of Shaun Hardy, on behalf of Leola Poulard

Plaintiffs - Appellees

v.

UNION PACIFIC RAILROAD CO; ET AL

Defendants

UNION PACIFIC RAILROAD CO

Defendant - Appellant

LADONNA SHEREE SNOW; TERRANCE PAUL HEBERT; TAMMIE G BERTRAND;
CARL A BERTRAND; AMOS D GRAHAM; MARYLAND W GRAHAM

Plaintiffs - Appellees

v.

UNION PACIFIC RAILROAD CO; ET AL

Defendants

UNION PACIFIC RAILROAD CO

Defendant - Appellant

ALRISTELLE K THOMAS; STEVE CEASER; TIFFANY C ROBINSON; QUITIN
DOYLE; J L PITRE; JAMAL PITRE; JAVONTE PITRE; RAYMOND COLE;
EMILE PITRE, JR; DONNA PITRE; MARGIE PITRE; EMILE PITRE, SR;
MARGIE ALFRED

Plaintiffs - Appellees

v.

UNION PACIFIC RAILROAD CO; ET AL

Defendants

UNION PACIFIC RAILROAD CO

Defendant - Appellant

BECKY BRUNET; RAMOND MALVEAUX; KIMBERLY WALKER, Individually and on behalf of Caroline Elizabeth Walker, on behalf of Ty Robert Walker; CHAD WAYNE DAIGLE, Individually and on behalf of Jacoby Daigle, on behalf of Colby Goodley; GENORA GOODLEY, Individually and on behalf of Jacoby Daigle, on behalf of Colby Goodley; MARK ROBERT WALKER, Individually and on behalf of Caroline Elizabeth Walker, on behalf of Ty Robert Walker

Plaintiffs - Appellees

v.

UNION PACIFIC RAILROAD CO

Defendant - Appellant

EBONY WILLIS; ETHEL WILLIS; ROZENA EDWARDS; JAMAL WILLIS; LARRY EDWARDS

Plaintiffs - Appellees

v.

UNION PACIFIC RAILROAD CO; ET AL

Defendants

UNION PACIFIC RAILROAD CO

Defendant - Appellant

ACADIANA AMUSEMENTS INC

Plaintiff - Appellee

v.

UNION PACIFIC RAILROAD CO; ET AL

Defendants

UNION PACIFIC RAILROAD CO

Defendant - Appellant

SCOTT PERRODIN; LYNDA PERRODIN; STEVIE BERTRAND; TINA BERTRAND

Plaintiffs - Appellees

v.

UNION PACIFIC RAILROAD CO; ET AL

Defendants

UNION PACIFIC RAILROAD CO

Defendant - Appellant

MANZY THOMAS; MARGIE THOMAS; LLOYD H ANTOINE, Individually
and on behalf of Alex Antoine, on behalf of Anthony Antoine;
DENISE ANTOINE, Individually and on behalf of Alex Antoine,
on behalf of Anthony Antoine; ANTOINE FARMS

Plaintiffs - Appellees

v.

UNION PACIFIC RAILROAD CO

Defendant - Appellant

JOSHUA WEST; HERMAN LAWRENCE, JR; TODD GUILLORY

Plaintiffs - Appellees

v.

UNION PACIFIC RAILROAD CO

Defendant - Appellant

ELLA EDWARDS; RAUNDEA GUILLORY, Individually and on behalf of
Rondessio Guillory, on behalf of Fitzgerald Guillory; ANNIE JACK;
JOHNNY TILLMAN; LOLA WILSON

Plaintiffs - Appellees

v.

UNION PACIFIC RAILROAD CO

Defendant - Appellant

PHILIP THOMAS; FREDERICK THOMAS; TRACY ELLISON; HILARY THOMAS;
GEORGE THOMAS; EDDIE THOMAS

Plaintiffs - Appellees

v.

UNION PACIFIC RAILROAD CO

Defendant - Appellant

PERRY L JONES, SR, Individually and on behalf of D'Andrea
Broussard, on behalf of Laci Broussard, on behalf of Tia
Broussard, on behalf of Perry Jones, Jr, on behalf of Sharon Nicks;
KENYA JONES, Individually and on behalf of D'Andrea Broussard, on
behalf of Laci Broussard, on behalf of Tia Broussard, on

behalf of Perry Jones, Jr, on behalf of Sharon Nicks;
LAMIKAA MEEKS; RETINA SHANTELL MEEKS; MARIE SCOTT; RENELLA
LEVINE; OCTAVE THOMAS, JR; MARIA STRAHAN, Individually and
on behalf of Lashonda Strahan; MARY STRAHAN, Individually
and on behalf of Caroline Strahan; BRENDA TRAHAN,
Individually and on behalf of the Unborn Child; JUDY TRAHAN,
Individually and on behalf of Patty Trahan, on behalf of
Rita Trahan, on behalf of April Trahan, on behalf of
Benjamin Trahan; KEVIN JORDAN, Individually and on behalf of
Tyler Jordan, on behalf of Deanta Jordan, on behalf of
Melissa Buchnell; MARY JORDAN, Individually and on behalf of
Tyler Jordan, on behalf of Deanta Jordan, on behalf of
Melissa Buchnell; ALBERT ARNOLD MILLER; SHERAL LAVERGNE;
VIRGINIA DUPRE, on behalf of Shauncey Francois-Dupre;
CLIFFORDS AUGUST; STELLA AUGUST; JANIS FAYE BREWSTER;
CHRISTAL DUPRE, Individually and on behalf of Eboni Dupre;
ETHEL DANTLEY; JOSEPH CHARLES, SR; BETTY THOMAS; GLORIA J
ALFRED, Individually and on behalf of Frank Alfred, on
behalf of Ronket Alfred; CHARLES DAIGLE, Individually and on
behalf of Jordon Daigle; PAM DAIGLE, Individually and on
behalf of Jordon Daigle; DONALD BROWN, Individually and on
behalf of Keisha Brown; MARGARET BROWN, Individually and on
behalf of Keisha Brown

Plaintiffs - Appellees

v.

UNION PACIFIC RAILROAD CO; ET AL

Defendants

UNION PACIFIC RAILROAD CO

Defendant - Appellant

HILDA FRANK; FRANCIS FRANK, JR, Individually and on behalf of
Frankie H Frank, on behalf of Francine Frank, on behalf of
Franko H Frank; FRANCIS FRANK, III; FRANDON FRANK; CURLEY FRANK;
DORIS FRANK; JACKIE FRANK, Individually and on behalf of Jack
Scott, on behalf of Nicholas Frank; LOYCE ALFRED; NANCY ALFRED,

Individually and on behalf of Jena Fontenot, on behalf of Trina Fontenot; SANDRA ALFRED, Individually and on behalf of Michael a Jacobs, II, on behalf of Rozuandra Jacobs, on behalf of Clifton Durgin, Jr; TERRIE ALFRED; LINTON BELL; RITA FRANSAW; HERMAN FRANSAW; HERMAN FRANSAW, JR; JENNIFER FRANSAW, Individually and on behalf of Ronnisha A Hilts, on behalf of Kayondra Fransaw, on behalf of Kashanda Fransaw; FREDRICK GUILLORY; JOYCE GUILLORY; MARILYN E GUILLORY; OTIS J GUILLORY, JR; EVELYN HANDY, Individually and on behalf of Doris Fontenot; MICHAEL HANDY, Individually and on behalf of Evelena Handy, on behalf of Michael Handy, Jr; RHONDA MALVEAUX, Individually and on behalf of Shameka Fransaw; JOEL MASON; TERRY PITRE, Individually and on behalf of Andrew Pitre, on behalf of Terrance Pitre, on behalf of Terrika Pitre, on behalf of Tina Pitre, on behalf of Andrea Pitre; ALVA SAM; LINTON SAM, Individually and on behalf of Coretha Bell; DONALD TERRY; HOWARD TERRY, Individually and on behalf of Howard Terry, Jr, on behalf of Clarina Terry, on behalf of Ja'Mario Terry; THELMA TERRY; NEAMALEKA WASHINGTON, Individually and on behalf of D'Onte Washington; ZALPHIA WASHINGTON; KARLA D WHITE; LARRY M REED

Plaintiffs - Appellees

v.

UNION PACIFIC RAILROAD CO; ET AL

Defendants

UNION PACIFIC RAILROAD CO

Defendant - Appellant

PAUL LANDRY; ROSE LANDRY, Individually and on behalf of Keith Carrier; RAMONA LEMELLE, on behalf of Aaron Lemelle

Plaintiffs - Appellees

v.

UNION PACIFIC RAILROAD CO; ET AL

Defendants

UNION PACIFIC RAILROAD CO

Defendant - Appellant

CHARLOTTE FONTENOT; CLARENCE FONTENOT; PEGGY FONTENOT;
RICHARD FONTENOT; ADRIAN LEDAY; ANTHONY LEDAY; JOSEPH
SOILEAU

Plaintiffs - Appellees

v.

UNION PACIFIC RAILROAD CO; ET AL

Defendants

UNION PACIFIC RAILROAD CO

Defendant - Appellant

PAUL DUPLANTIS; KAREN DUPLANTIS

Plaintiffs - Appellees

v.

UNION PACIFIC RAILROAD CO; ET AL

Defendants

UNION PACIFIC RAILROAD CO

Defendant - Appellant

RODERICK ABNEY; LESTER ADAMS; KERRY ALVIS, JR; M ANDERSON;
RICHARD ANDERSON; ET AL

Plaintiffs - Appellees

v.

UNION PACIFIC RAILROAD CO; ET AL

Defendants

UNION PACIFIC RAILROAD CO

Defendant - Appellant

Appeal from the United States District Court for
the Western District of Louisiana
(USDC No. 00-CV-2782)

October 4, 2001

Before REAVLEY, HIGGINBOTHAM and PARKER, Circuit Judges.

PER CURIAM:*

The order of the district court signed on January 9, 2001, and entered on January 12, 2001 is vacated. Union Pacific cannot be prevented from settling claims with persons not parties to any case pending before the court. Nor may the court subject non-parties to expenses of litigation, even though those expenditures

*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.

may possibly be used to accrue to their benefit. The court has no authority to create a common fund with money of persons who are not parties before the court. And even though these victims of the train derailment may become members of a class, their right to opt-out of the class may not be denied or interfered with.

ORDER VACATED.