

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

United States Court of Appeals  
Fifth Circuit

**FILED**

April 4, 2014

Lyle W. Cayce  
Clerk

\_\_\_\_\_  
No. 13-20344  
\_\_\_\_\_

CHRISTIAN VALLEJO, individually and on behalf of all similarly situated  
current and former employees,

Plaintiff–Appellee

v.

GARDA CL SOUTHWEST, INCORPORATED,

Defendant–Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 4:12-CV-555  
\_\_\_\_\_

Before HIGGINBOTHAM, DAVIS, and HAYNES, Circuit Judges.

PER CURIAM:\*

In this Fair Labor Standards Act of 1938 action, defendant-appellant Garda CL Southwest, Inc., appeals the district court’s denial of a motion to enforce the arbitration clause of a putative collective bargaining agreement as to three intervenors, finding that the motion presented material issues of fact.

We AFFIRM.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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