

UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 93-4361

IN THE MATTER OF: O.E. WOOD & SON ROOFING, INC.

Debtors.

FRED W. HUENEFELD,

Appellant,

VERSUS

NATIONAL ROOFING INDUSTRY PENSION FUND,

Appellee.

Appeal from the United States District Court
for the Western District of Louisiana
(92-CV-2080)

(November 16, 1993)

Before DUHÉ and EMILIO M. GARZA, Circuit Judges and STAGG,¹
District Judge.

PER CURIAM:²

The Bankruptcy Trustee of O.E. Wood & Son Roofing, Inc. sued National Roofing Industry Pension Fund to recover an allegedly preferential transfer by the debtor to the fund under Bank. Code § 547. The bankruptcy court rejected the Trustee's effort primarily

¹ Senior Judge of the Western District of Louisiana, sitting by designation.

² Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

on the basis that Barbara Wood was not personally liable under the pre-petition judgment obtained by the fund and she could, therefore, not be a creditor of O.E. Wood & Son Roofing, Inc., either contingent or otherwise. We have carefully studied the record and the briefs in this matter, and have thoughtfully considered the argument of counsel and are convinced that the proper result was reached by the bankruptcy and district court. Accordingly, the judgment of the district court is

AFFIRMED.