

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 94-20358

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BARBARA NORTON, ET AL.,

Plaintiffs,

BARBARA NORTON, ET AL.,

Plaintiffs-Appellants,

versus

HOUSTON INDUSTRIES, INC., ET AL.,

Defendants-Appellees.

\* \* \* \* \*

HOUSTON LIGHTING and POWER CO., INC.,

Plaintiff,

versus

INTERNATIONAL BROTHERHOOD OF ELECTRICAL  
WORKERS LOCAL UNION NO. 66,

Defendant.

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CHARLES PACE, ET AL.,

Plaintiffs,

CHARLES PACE, ET AL.,

Plaintiffs-Appellants,

versus

HOUSTON INDUSTRIES, INC., ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court for the  
Southern District of Texas

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(February 10, 1995)

Before WISDOM, REYNALDO G. GARZA and GARWOOD, Circuit Judges.\*

PER CURIAM:

Having considered the briefs and arguments of counsel and the relevant portions of the record, this Court is convinced that the district court's judgment is correct, essentially for the reasons given by the district court. Defendants' summary judgment evidence showed that the releases were valid and in accordance with the law, and plaintiffs produced no summary judgment evidence to support a contrary finding. The record refutes the contention that plaintiffs were not allowed forty-five days in which to consider the releases before signing them. Under *Delaware State College v. Ricks*, 101 S.Ct. 498, 504 (1980), plaintiffs' argument that they were releasing claims arising after the date of the releases is without merit. Plaintiffs' conclusory affidavits did not suffice to raise fact issues. See *Anderson v. Liberty Lobby, Inc.*, 106 S.Ct. 2505, 2510 (1986). Moreover, plaintiffs failed to tender back any of the consideration received for the releases. See *Grillet v. Sears, Roebuck & Co.*, 927 F.2d 217 (5th Cir. 1991);

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\* 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

*Wamsley v. Champlin Ref. & Chem, Inc.*, 11 F.3d 534 (5th Cir. 1993);  
*Wittorf v. Shell Oil Co.*, 37 F.3d 1151, 1154 (5th Cir. 1994).

Under all the circumstances, we find no abuse of the district court's discretion in its denial of plaintiffs' motion for leave to amend, which was filed after the defendants' motion for summary judgment. The judgment of the district court is

AFFIRMED.