

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-21049
(Summary Calendar)

SYBIL A. KERRY and
SHEILA A. SMITH,

Plaintiffs-Appellants,

versus

WESTERN ATLAS INTERNATIONAL
INCORPORATED,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
(H-95-3870)

April 18, 1997

Before HIGGINBOTHAM, WIENER and BENAVIDES, Circuit Judges.

PER CURIAM:*

In this appeal from the district court's grant of summary judgment dismissing the TITLE VII ¹ claims of Plaintiffs-Appellants Sybil A. Kerry and Sheila A. Smith, based specifically on sex

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

¹ 42 U.S.C. §2000e-2(a)(1).

discrimination in connection with a reduction in force (RIF) by Defendant-Appellee Western Atlas International Incorporated (Western), Kerry and Smith contend that the district court erred in holding that Western had discharged its burden of production of a non-discriminatory reason for its employment action; in failing to consider certain evidence regarding Western's financial distress that allegedly caused the RIF; in failing to consider evidence of Kerry's and Smith's superior qualifications; in failing to consider evidence that would produce a genuine issue of fact as to the pretextual nature of the job offer made by Western to Kerry; and in failing to find that Western terminated only women in the RIF. Kerry and Smith also assert error by the district court in its disposition of their state law claims of intentional infliction of emotional distress.

In our de novo review on appeal, we have carefully considered the arguments advanced by counsel in briefs to this court, the summary judgment record on appeal, and the Memorandum and Opinion of the district court. Based on this consideration, we are convinced that the district court committed no reversible error in granting Western's Motion for Summary Judgment on all claims of Kerry and Smith, including, without limitation, their state law claims for intentional infliction of emotional distress, agreeing entirely with the reasons set forth by the district court in its Memorandum and Opinion. Consequently, the district court's summary judgment dismissing the actions of Kerry and Smith is, in all

respects,

AFFIRMED.