

UNITED STATES COURT OF APPEALS  
For the Fifth Circuit

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No. 97-41541  
Summary Calendar

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FRANK A. LUMSDEN; CAROLE KAY LUMSDEN;  
STEPHENIE LUMSDEN CABANISS,

Plaintiffs-Appellants,

VERSUS

LIBERTY MUTUAL INSURANCE COMPANY; HELEN HARRIS,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Eastern District of Texas  
(2:96-CV-173-WWJ)

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September 17, 1998

Before DAVIS, DUHÉ, and PARKER, Circuit Judges.

PER CURIAM:\*

In this action to enforce an alleged settlement agreement, the district court correctly granted summary judgment in favor of the defendant, Liberty Mutual.

For reasons stated in the district court's August 4, 1997 order, the court correctly determined that the two parties never reached a binding agreement. Additionally, the summary judgment evidence makes it clear that Liberty Mutual was only interested in

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

a total settlement with all potential claimants. Plaintiffs' counsel did not represent one of the potential claimants, Helen Harris, the deceased's mother. After Liberty Mutual identified Mrs. Harris and notified plaintiffs' counsel it wanted a release from her, plaintiff's counsel made no response.

For these reasons and the reasons given by the district court, we affirm the judgment of the district court.

AFFIRMED.