

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

United States Court of Appeals
Fifth Circuit

FILED

August 20, 2012

No. 11-10697

Lyle W. Cayce
Clerk

LARRY RANDALL POWELL; LAWRENCE WILLIAM DEORE;
PAULA F. WATSON; GARY VAN WEST; RAUL PREZAS REYES;
TIMOTHY ARTHUR O'LEARY; JAN MICHAEL HUBBARD;
MICHAEL S. COONS; JOHN PAUL CHAMLESS;
IRA HADNOT ALEXANDER; DEBORAH SUE VOORHEES;
LINSTON ROBERT LOFLEY; KAREN PATTERSON; LINDA JONES;
GARY STRATTON; EWINA H. SCHUMACHER; PAULETTE LADACH;
STEPHEN WAYNE YOUNT,

Plaintiffs-Appellants,

versus

THE DALLAS MORNING NEWS, LP; BELO CORPORATION;
BELO BENEFITS ADMINISTRATIVE COMMITTEE,
as Plan Administrator for the G.B. Dealey Retirement Pension Plan and
the Belo Savings Plan,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Texas
No. 3:06-CV-1960

No. 11-10697

Before REAVLEY, SMITH, and CLEMENT, Circuit Judges.

PER CURIAM:*

The plaintiffs were terminated as part of a reduction-in-force and sued, alleging disparate impact and disparate treatment under the Age Discrimination in Employment Act (“ADEA”) and claims under the Employee Retirement Income Security Act of 1974 (“ERISA”). The district court, per a magistrate judge designated by consent under 28 U.S.C. § 636(c), issued a 145-page Memorandum Opinion and Order granting the defendants’ motion for summary judgment.

We have read the briefs on appeal and have consulted the applicable law and pertinent portions of the record and have heard the arguments of counsel. We conclude that the plaintiffs did not give adequate notice of their specific disparate-impact claim and did not make a *prima facie* case of disparate-impact age discrimination under the ADEA. The defendants established a sufficient reasonable-factor-other-than-age defense and fulfilled their disclosure duties under ERISA.

The summary judgment is AFFIRMED, essentially for the reasons given by the magistrate judge in his comprehensive opinion.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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