

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

United States Court of Appeals
Fifth Circuit

FILED

December 8, 2011

Lyle W. Cayce
Clerk

No. 11-30492
Summary Calendar

CAJUN INDUSTRIES, L.L.C. 401 (K) PLAN,

Plaintiff - Appellee

v.

BETH W. BENNETT KIDDER,

Defendant - Appellee

v.

ROBERT H. KIDDER; DEBORAH K. BRIDGES; GWENDOLYN K.
DESSELLE,

Defendants - Appellants

GWENDOLYN K. DESSELLE; DEBORAH K. BRIDGES; ROBERT H.
BRIDGES,

Plaintiffs - Appellants

v.

CAJUN INDUSTRIES, L.L.C.,

Defendant - Appellee

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 3:09-CV-267
USDC No. 3:10-CV-99

Before REAVLEY, SMITH, and PRADO, Circuit Judges.

PER CURIAM:*

The judgment of the district court is affirmed for the following reasons:

The claim of the three children of Leonard Kidder is only that they were entitled to the distribution of the proceeds of the 401(k) retirement plan established for his benefit during his employment with Cajun Industries, LLC. The terms of the plan, as explained by the district court, support the plan administrator's decision. That decision is the legally correct interpretation of the plan. It certainly provides that the surviving spouse of Leonard Kidder is entitled to the benefits, because there was no waiver as required before the children could be entitled.

Cajun Industries, LLC has filed this interpleader suit, deposited the funds into the registry of the court, and has been properly dismissed.

That being the only issue before this court, the judgment must be affirmed.

AFFIRMED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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