

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

UNITED ASSOCIATION LOCAL
198 PENSION FUND, ET AL

CIVIL ACTION

VERSUS

NO. 09-391-BAJ-CN

LOUISIANA PIPE & STEEL
FABRICATORS, LLC

RULING ON MOTION FOR RECONSIDERATION

This matter is before the Court on a motion by plaintiffs, United Association Local 198 Pension Fund, United Association Local 198 Welfare Fund, United Association Local 198 Education Fund, United Association Local 198 Annuity Fund, and United Association Local Union No. 198 (collectively “plaintiffs”), for reconsideration of the Court’s November 30, 2010 ruling, denying plaintiffs’ motion for summary judgment.

The Court has reviewed the law, the motion for reconsideration, the motion for summary judgment, and the ruling of November 30, 2010. The Court notes that it must “view facts in the light most favorable to the non-movant and draw all reasonable inferences in [its] favor.” See e.g. *Coleman v. Houston Independent School District*, 113 F.3d 528, 533 (5th Cir. 1997). In so doing, the Court finds no error in its application of the law or in its conclusion that a genuine issue of fact

exists as to whether there was an enforceable agreement between the parties after September 5, 2008.¹

Accordingly, the motion for reconsideration (doc. 23) is hereby **DENIED**.

Baton Rouge, Louisiana, December 28, 2010.



BRIAN A. JACKSON
UNITED STATES DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA

¹Though plaintiffs assert in their motion for reconsideration that defendant paid benefits “for all employees, not just one or two” (doc. 24, pp. 3, 4), the Court notes that nothing in the undisputed facts establishes that such benefits were paid for all employees rather than just one or two. The Court will not assume facts in ruling upon a motion for summary judgment and, as noted *supra*, views all facts in the light most favorable to the non-movant and draws all reasonable inferences in its favor.