

**FILED**

August 23, 2005

**UNITED STATES COURT OF APPEALS**

**FOR THE FIFTH CIRCUIT**

Charles R. Fulbruge III  
Clerk

\_\_\_\_\_  
No. 04-11078  
\_\_\_\_\_

D.C. Docket No. 3:01-CV-345  
3:01-CV-315  
3:01-CV-300  
3:01-CV-238  
3:01-CV-166N

RICHARD BELL, on behalf of himself and all others  
similarly situated; ET AL

Plaintiffs

PLUTARCH LTD; MARIO SONZONE

Plaintiffs - Appellants

v.

ASCENDANT SOLUTIONS INC; NORMAN CHARNEY; PAUL JENNINGS; CCLP  
LTD; PAUL G SHERER; ALAN E SALZMAN

Defendants - Appellees

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DENNIS HOFFMAN, Individually and, ET AL

Plaintiffs

PLUTARCH LTD

Plaintiff - Appellant

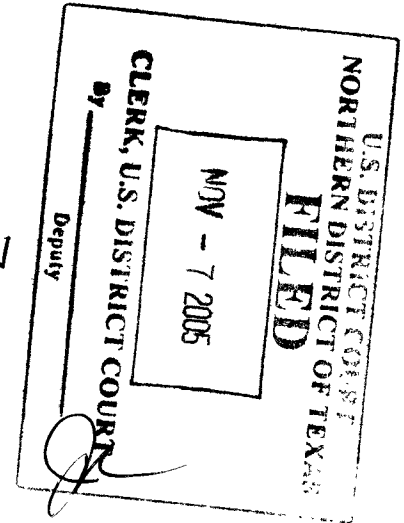
v.

ASCENDANT SOLUTIONS INC; NORMAN CHARNEY; PAUL  
JENNINGS

Defendants - Appellees

Appeal from the United States District Court for the  
Northern District of Texas, Dallas.

Before GARWOOD, SMITH, and CLEMENT, Circuit Judges.



J U D G M E N T

This cause was considered on the record on appeal and was argued by counsel.

It is ordered and adjudged that the order denying class certification is affirmed, and this matter is remanded to the District Court for further proceedings in accordance with the opinion.

IT IS FURTHER ORDERED that plaintiffs-appellants pay to defendants-appellees the costs on appeal to be taxed by the Clerk of this Court.

ISSUED AS MANDATE: NOV 02 2005

A true copy  
Test

Clerk, U. S. Court of Appeals, Fifth Circuit

By

*Blonda Parker*

Deputy

New Orleans, Louisiana

NOV 02 2005

**United States Court of Appeals**

FIFTH CIRCUIT  
OFFICE OF THE CLERK

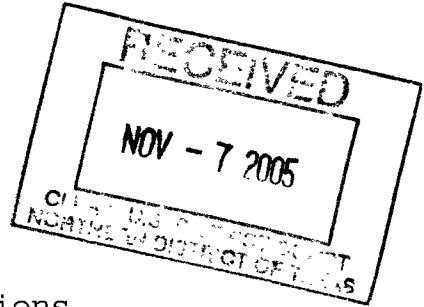
CHARLES R. FULBRUGE III  
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November 2, 2005

Ms Karen S Mitchell, Clerk  
Northern District of Texas, Dallas  
United States District Court  
Room 14A20  
1100 Commerce Street  
Dallas, TX 75242



No. 04-11078 Bell v. Ascendant Solutions  
USDC No. 3:01-CV-345  
3:01-CV-315  
3:01-CV-300  
3:01-CV-238  
3:01-CV-166-N

Enclosed, for the district court only, is a certified copy of the judgment issued as the mandate.

Enclosed, for the district court only, is a copy of the court's opinion.

Record/original papers/exhibits to be returned.

Sincerely,

CHARLES R. FULBRUGE III, Clerk

By: Rhonda F. Parker  
Rhonda F. Parker, Deputy Clerk  
713-250-5440

cc: (letter only)  
Honorable David C Godbey  
Mr Roger F Claxton  
Mr Robert James Hill  
Mr James Stuart Notis  
Mr Paul R Bessette

MDT-1