

**United States Court of Appeals  
FOR THE EIGHTH CIRCUIT**

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No. 00-2519

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Robert Becker; Virgil Borgmeyer;	*	
Tyrone Caley; Allen Dahlstrom;	*	
Thomas H. Patterson; Joseph Roberts;	*	
Donald Stephens,	*	
	*	Appeal from the United States
Appellants,	*	District Court for the Western
	*	District of Missouri.
v.	*	
	*	[UNPUBLISHED]
ABB Power T & D Company, Inc.,	*	
	*	
Appellee.	*	

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Submitted: April 13, 2001

Filed: April 18, 2001

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Before BOWMAN and FAGG, Circuit Judges, and VIETOR,\* District Judge.

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PER CURIAM.

After they were terminated in a reduction in force (RIF), seven former employees of ABB Power T & D Company brought this lawsuit alleging the RIF was a pretext for

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\*The Honorable Harold D. Vietor, United States District Judge for the Southern District of Iowa, sitting by designation.

age discrimination. The district court\*\* granted summary judgment to ABB Power, concluding the RIF was a bona fide exercise of business judgment and the former employees failed individually to show they were discriminated against because of their age. The employees challenge the summary judgment decision on appeal, asserting the district court failed to consider certain evidence, to discount other evidence, to draw all reasonable inferences in their favor, and to apply the law correctly. We reject these assertions. Having carefully reviewed the evidence about each former employee and assuming that each former employee established a prima facie case, we agree with the district court's analysis that no reasonable jury could conclude ABB Power's stated reasons for the employees' layoffs were a pretext for age discrimination. See Reeves v. Sanderson Plumbing Prods., Inc., 530 U.S. 133, 148-49 (2000). The former employees argue the district court failed to apply Reeves, which the Supreme Court decided six days after the district court's ruling. Although the district court recited Eighth Circuit law displaced by Reeves, the district court's decision is in keeping with the Reeves decision. We thus conclude the district court correctly granted summary judgment, and affirm without extended discussion. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

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\*\*The Honorable Gary A. Fenner, United States District Judge for the Western District of Missouri.