

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 97-4383MN

Christopher D. Aburime; Bobby W. *
Lucas; Blanche Clay; Joseph R. *
Richburg; Sandra Williams; Alvin *
Williams; Gwendolyn J. Stevens; Larry *
Washington; Marcia L. Atkins; Robert *
Garner; Richard M. Jones; James Baul; *
Sandra Holmes; Deartice Sanders; Susan *
Hagood; Gloria Williams; Marshall *
Adams; Brandon Carter; Carolyn *
Cockfield; Jeff A. Cooper; Darcy Davis; *
David Francis; Lloyd Gay; Charles *
Mack; Harold Richardson; Jarvis *
Shotwell; Anthony Turner; Steven *
Wagner, *

Plaintiffs-Appellants, *

v. *

Northwest Airlines, Inc., *

Defendant-Appellee, *

Air Line Pilots Association *
International; International Association *
of Machinists and Aerospace Workers; *
International Brotherhood of Teamsters; *
Northwest Airlines, Foreman's *
Association; Northwest Airlines, *
Meteorologist's Association; Transport *

Appeal from the United States
District Court for the District
of Minnesota.

[UNPUBLISHED]

Workers Union of America,

*

*

Defendants.

*

Submitted: June 8, 1998

Filed: July 7, 1997

Before FAGG, BRIGHT, and BEAM, Circuit Judges.

PER CURIAM.

The Christopher D. Aburime appellants appeal the district court's order granting in part and denying in part the appellants' motion for attorneys' fees and expenses. The appellants also contend the district court denied them the opportunity to file a supplemental fee motion. Having considered the record and the arguments and briefs of the parties, we reject the appellants' arguments. The consent decree governing attorneys' fees for this case sets out in painstaking detail the circumstances when fees are to be awarded. Given this attention to detail, if the parties intended to award attorneys' fees incurred during the litigation of fee petitions, we believe they would have stated so. The consent decree contains no such provision, however, and we refuse to imply one. Cf. Jones v. MacMillan Bloedel Containers, Inc., 685 F.2d 236, 239 (8th Cir. 1982) (unless expressly prohibited by the consent decree, the district court should award attorneys' fees for litigating fee petition). The district court correctly determined that the appellants are not entitled to the fees resulting from their fee petition. We conclude that any further discussion of the issues will serve no useful purpose in this long-running class litigation that now appears before the court for the third time. We thus affirm the district court without an extended opinion. See 8th Cir. R. 47B.

A true copy.

Attest:

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