IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit
F I L E D
February 11, 2013

Lyle W. Cayce
Clerk

No. 12-40475

THE MUECKE COMPANY, INCORPORATED; BRUCE ROGERS, Individually and doing business as Rogers Pharmacy; BROOKSHIRE BROTHERS PHARMACY OF KIRBYVILLE, TEXAS; DE LA ROSA PHARMACY, INCORPORATED; HOMETOWN PHARMACY, L.C.; ROBERT KINSEY INVESTMENTS, INCORPORATED, doing business as Kinsey's Pharmacy,

Plaintiffs - Appellees

v.

CVS CAREMARK CORPORATION; CVS PHARMACY, INCORPORATED; CAREMARK RX, L.L.C.,

Defendants - Appellants

Appeal from the United States District Court
for the Southern District of Texas
U.S. Dist. Ct. No. 6:10-CV-78

Before DeMOSS, OWEN, and HAYNES, Circuit Judges.

PER CURIAM:*

CVS Pharmacy, Incorporated, Caremark Rx, L.L.C., and CVS Caremark Corporation ("Appellants") appeal the district court's denial of their motion to compel arbitration of claims brought against them by the Appellees, a group of

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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pharmacies. The parties do not dispute that the arbitration agreements in question were not signed by Appellants, only (at most) by Appellees. Thus, Appellants rest their request for arbitration upon the doctrine of equitable estoppel, and our review of the district court's decision is for abuse of discretion. *Noble Drilling Servs., Inc. v. Certex USA, Inc.*, 620 F.3d 469, 472-73 & n.4 (5th Cir. 2010).

We have carefully reviewed the pertinent portions of the record in light of the parties' briefs and oral arguments. We conclude that the district court did not abuse its discretion in denying the motion to compel arbitration as to the claims against Appellants.

AFFIRMED.