

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 15-10602

D.C. Docket No. 2:12-cv-00138-RWS

RICHARD M. VILLARREAL,
on behalf of himself and all others similarly situated,

Plaintiff - Appellant,

versus

R.J. REYNOLDS TOBACCO COMPANY,
PINSTRIPE, INC.,

Defendants - Appellees,

CAREERBUILDER, LLC,

Defendant.

Appeal from the United States District Court
for the Northern District of Georgia

Before ED CARNES, Chief Judge, TJOFLAT, HULL, MARCUS, WILSON,
WILLIAM PRYOR, MARTIN, JORDAN, ROSENBAUM, JULIE CARNES, and
JILL PRYOR, Circuit Judges.

BY THE COURT:

A petition for rehearing en banc having been filed, a member of this Court in active service having requested a poll on whether this case should be reheard en banc, and a majority of the judges of this Court in active service having voted in favor of granting rehearing en banc,

It is ORDERED that this case will be reheard en banc. The panel's opinion is VACATED.

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

Amy C. Nerenberg
Acting Clerk of Court

For rules and forms visit
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February 10, 2016

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 15-10602-AA
Case Style: Richard Villarreal v. R.J. Reynolds Tobacco Company, et al
District Court Docket No: 2:12-cv-00138-RWS

The enclosed order has been entered on petition(s) for rehearing.

See Rule 41, Federal Rules of Appellate Procedure, and Eleventh Circuit Rule 41-1 for information regarding issuance and stay of mandate.

Under the Eleventh Circuit Rule 35, the effect of granting rehearing en banc is to vacate the previous opinion and judgment of this court and to stay the mandate.

You will be notified by subsequent correspondence of the schedule for filing en banc briefs, the issue(s) which the court wishes the parties to focus on in their briefs, and the page limitations on them. We will communicate with you at a later time regarding report time and time limitations on oral argument should this case be designated for oral argument.

Sincerely,

AMY C. NERENBERG, Acting Clerk of Court

Reply to: David L. Thomas, AA/bmc
Phone #: (404) 335-6169

REHG-1 Ltr Order Petition Rehearing