

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

May 26, 2009

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No. 07-31019

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GRAND ISLE SHIPYARD INC; GRAY INSURANCE COMPANY Charles R. Fulbruge III  
Clerk  
Plaintiffs-Appellees

vs.

SEACOR MARINE LLC

Defendant-Appellant

- - - - -  
Appeal from the United States District Court for the  
Eastern District of Louisiana  
- - - - -

ON PETITION FOR REHEARING EN BANC

(Opinion September 22, 2008, 5 Cir., 2008, \_\_\_\_\_F.3d\_\_\_\_\_)

(May 26, 2009)

BEFORE: JONES, Chief Judge, KING, JOLLY, DAVIS, WIENER,  
BARKSDALE, GARZA, BENAVIDES, STEWART, DENNIS, CLEMENT,  
PRADO, OWEN, ELROD, SOUTHWICK and HAYNES, Circuit  
Judges.<sup>1</sup>

BY THE COURT:

A member of the court having requested a poll on the  
petition for rehearing en banc, and a majority of the circuit  
judges in regular active service and not disqualified having  
voted in favor,

It is ordered that this cause shall be reheard by the court  
en banc with oral argument on a date hereafter to be fixed. The  
Clerk will specify a briefing schedule for the filing of  
supplemental briefs.

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<sup>1</sup>Judge Smith is recused and did not participate.