

May 5, 2006

Charles R. Fulbruge III
Clerk

REVISED 05/15/06

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-11432

POSITIVE SOFTWARE SOLUTIONS, INC.

Plaintiff-Appellee

v.

NEW CENTURY MORTGAGE CORPORATION; NEW CENTURY FINANCIAL
CORPORATION; eCONDUIT CORPORATION; THE ANYLOAN COMPANY; JEFF
LEMIEUX; FRANK NESE

Defendants-Appellants

- - - - -
Appeal from the United States District Court for the
Northern District of Texas
- - - - -

ON PETITION FOR REHEARING EN BANC

(Opinion January 11, 2006, 5 Cir., 2006, _____F.3d_____)

BEFORE: JONES, Chief Judge, JOLLY, HIGGINBOTHAM, DAVIS, SMITH,
WIENER, BARKSDALE, GARZA, DeMOSS, BENAVIDES, STEWART,
DENNIS, CLEMENT, PRADO and OWEN, Circuit Judges.¹

BY THE COURT:

A member of the Court in active service having requested
a poll on the petition for rehearing en banc and a majority of
the judges in active service having voted in favor of granting a
rehearing en banc,

IT IS ORDERED that this cause shall be reheard by the

¹Judge King did not participate in the decision.

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.