

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 95-40635

IN RE: ASBESTOS LITIGATION

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JAMES FLANAGAN; DAVID H. MIDDLETON; EDEE COCHRAN;
ESTEBAN YANEZ ORTIZ; JOHN R. ALLGOOD; HENRY WILLIAM EVERS;
LESTER EUGENE TAYLOR; SAFETY NATIONAL CASUALTY CORPORATION;

Appellants,

VERSUS

GERALD AHEARN; JAMES MCADAMS DENNIS; CHARLES W. JEEP; JAMES
DRAKE; JUANITA DRAKE; JAMES ELLISON; ROLAND DEARBORN;
JUDITH DEARBORN; KERWIN BUTCHER; DIR., WORKERS COMP., Director,
Office of Workers' Compensation Programs, U.S. Dept. of Labor;
PAUL COCHRAN; IDA BECK; MARION BEHEE; LONGSHORE INTERVENOR;
WILLIAM JAMES MITCHELL; FIBREBOARD CORPORATION; BETHLEHEM
STEEL CORPORATION; CONTINENTAL CASUALTY COMPANY; PACIFIC
INDEMNITY; FRANCIS MCGOVERN; OWENS-ILLINOIS INC.; PENN MUTUAL
LIFE INSURANCE COMPANY; COLUMBIA CASUALTY COMPANY; CNA
CASUALTY COMPANY OF CALIFORNIA; CELOTEX CORP.; DANIEL HERMAN
RUDD, JR., on behalf of themselves and others similarly
situated; BEVERLY WHITE, on behalf of themselves and others
similarly situated; JOHN HANSEL, on behalf of themselves and
others similarly situated,

Appellees.

Appeal from the United States District Court
for the Eastern District of Texas, Tyler

ON REMAND FROM THE SUPREME COURT OF THE UNITED STATES

August 3, 1999

Before REAVLEY, DAVIS and SMITH, Circuit Judges.

PER CURIAM:

Having received the Supreme Court's mandate in this case, we VACATE and REMAND the judgment of the district court for further proceedings consistent with the Supreme Court's opinion in Ortiz v. Fibreboard Corporation, et al., 527 U.S. ___, 119 S.Ct. 2295 (1999).