

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

February 14, 2008

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No. 07-40058

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Charles R. Fulbruge III  
Clerk

In Re: VOLKSWAGEN OF AMERICA INC, a New Jersey Corporation;  
VOLKSWAGEN AG, a foreign corporation organized under the laws of  
Germany

Petitioners

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Petition for Writ of Mandamus to the United States District Court  
for the Eastern District of Texas, Marshall Division  
- - - - -

ON PETITION FOR REHEARING EN BANC

(Opinion Order February 13, 2007, 5 Cir., 2007, \_\_\_\_\_F.3d\_\_\_\_\_)

(Order on Panel Rehearing April 23, 2007,  
5 Cir., 2007, \_\_\_\_\_F.3d\_\_\_\_\_)

(Opinion Order October 24, 2007, 5 Cir., 2007, \_\_\_\_\_F.3d\_\_\_\_\_)

(February 14, 2008)

BEFORE: JONES, Chief Judge, KING, JOLLY, DAVIS, SMITH, WIENER,  
BARKSDALE, GARZA, BENAVIDES, STEWART, DENNIS, CLEMENT,  
PRADO, OWEN, ELROD and SOUTHWICK, Circuit Judges.

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  
court en banc with oral argument on a date hereafter to be fixed.  
The Clerk will specify a briefing schedule for the filing of en  
banc briefs.