

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

July 2, 2021

Lyle W. Cayce  
Clerk

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No. 20-30382

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STEPHEN DOUGLASS, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF SHINGO ALEXANDER DOUGLASS; DORA HERNANDEZ, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF NOE HERNANDEZ; LAN HUYNH, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF NGOC TRUONG HUYNH; DARROLD MARTIN, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF XAVIER ALEC MARTIN; ERIN REHM, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF GARY LEO REHM, JR.; LLOYD WAYNE RIGSBY, JR., INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF DAKOTA KYLE RIGSBY; CARMEN SIBAYAN, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF CARLOS VICTOR GANZON SIBAYAN,

*Plaintiffs—Appellants,*

*versus*

NIPPON YUSEN KABUSHIKI KAISHA,

*Defendant—Appellee,*

CONSOLIDATED WITH

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No. 20-30379

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JHON ALCIDE; RICHARD ALLEN-EASMON; DUSTIN ANGLE;

JESUS ARGUELLO; VALERIE ARGUELLO, ET AL

*Plaintiffs—Appellants,*

*versus*

NIPPON YUSEN KABUSHIKI KAISHA,

*Defendant—Appellee.*

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Appeals from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 2:19-CV-13688  
USDC No. 2:19-CV-13691

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ON PETITION FOR REHEARING EN BANC

(Opinion April 30, 2021, 5 CIR., 2021, 996 F.3D 289)

Before OWEN, *Chief Judge*, and JONES, SMITH, STEWART, DENNIS,  
ELROD, SOUTHWICK, HAYNES, GRAVES, HIGGINSON, COSTA,  
WILLETT, HO, DUNCAN, ENGELHARDT, OLDHAM, and WILSON,  
*Circuit Judges*.

PER CURIAM:

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. Pursuant to

5th Circuit Rule 41.3, the panel opinion in this case dated April 30, 2021, is  
VACATED.