

**July 29, 2004**

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 03-20889

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HERRINGTON EQUIPMENT INC; ROBERT N HERRINGTON

Plaintiffs - Appellees

v.

ORIX CREDIT ALLIANCE INC, now known as Orix Financial  
Services Inc; ET AL

Defendants

ORIX CREDIT ALLIANCE INC, now known as Orix Financial  
Services Inc

Defendant - Appellant

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Appeal from the United States District Court for the  
Southern District of Texas, Houston  
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Before DAVIS, SMITH and DENNIS, Circuit Judges.

PER CURIAM:\*

IT IS ORDERED that the joint motion of the parties to allow the appeal to stand and enter an order reversing the Final Judgment entered on June 27, 2003, and the Amended Final Judgment entered on August 7, 2003 is GRANTED.

IT IS FURTHER ORDERED that the joint motion of the parties for the Court to render a take nothing judgment for Appellees is GRANTED.

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.