

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-10564

C & H Nationwide, Inc.,

Plaintiff-Counter Defendant-Appellee,

VERSUS

FLOYD R. ADAMS, ET AL.,

Defendants,

FLOYD R. ADAMS; RAYMOND BILLINGTON; NOELINE BILLINGTON; DAVID B. BOLES; RALPH BOSTON; CHARLOTTE BOSTON; JUANITA BULLOCK; JOHN T. CLARK; CURLEY HOE TRUCKING, INC.; DAVID DOTTERWEICH; G.R. ELLISTON; LEON FLOWERS, JR.; J.L. FOWLER; HAROLD GAINES; HOWARD L. GARDNER; JOHN HECKS; JAMES KILPATRICK; JACKIE KILPATRICK; DELVIN LA DUKE; VONDA LAMB; ROBERT E. LAND, JR.; VIRGINIA MARTIN; RICHARD G. MCKENNEY; JOYCE MCLEMORE; BARBARA JEAN MILLER; WILBUR NEWSOME; CHARLES P. PORTER; RICHARD PUCKETT; LEON S. RABY; ANDREW RACHOY; ROBERT READ; ADELA READ; DONALD ROTH; LOU J. SMITH; LEE A. TRACY; SHIRLEY S. TRAVIS; BETTY E. WILLIAMS, Estate of; JAMES E. WINSLOW; THOMAS YORK; JAMES LAMB; GEORGE MARTIN,

Defendants-Appellants,

JAY MCDONALD; JOHN F. BONANNO; JIMMY BRADDOCK; KARIN BRADDOCK; RODERICK A. FONTANELLA; WESLEY KENNEMER; WILLIAM R. MULLEN; KEITH S. MUNDWILLER; ALBERT PEABODY; THOMAS SHROPSHIRE; ROBERT KELVIN SMITH; FRED W. VOSS,

Defendants-Counter Claimants-Appellants.

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

(3:90-CV-1510-D)

December 15, 1999

ON PETITION FOR REHEARING

Before DeMOSS and PARKER, Circuit Judges and LAKE, District Judge.¹

¹District Judge of the Southern District of Texas, sitting by designation.

PER CURIAM:

Appellants filed a petition for panel rehearing requesting clarification of the panel opinion entered November 2, 1999.

The previous order of this panel reversing the district court's order regarding attorney fees had the effect of vacating the costs awarded in that order.

The conclusion of the opinion is modified to read: Based on the foregoing, we reverse the award of attorney fees, affirm the judgment in all other respects, and remand this case to the district court for further proceedings consistent with this opinion.

IT IS ORDERED that the petition for panel rehearing in the above case is DENIED.