

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

April 28, 2026

Lyle W. Cayce
Clerk

No. 24-40323

ARAMARK SERVICES, INCORPORATED GROUP HEALTH PLAN;
ARAMARK SERVICES INCORPORATED, *formerly known as* ARAMARK
Corporation; ARAMARK UNIFORM SERVICES, GROUP HEALTH and
WELFARE PLAN; ARAMARK BENEFITS COMPLIANCE REVIEW
COMMITTEE,

Plaintiffs—Appellees,

versus

AETNA LIFE INSURANCE COMPANY,

Defendant—Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 2:23-CV-446

ON PETITION FOR REHEARING EN BANC

(Opinion December 18, 2025, 5 Cir., 162 F. 4TH 532)

Before ELROD, *Chief Judge*, and JONES, SMITH, STEWART,
RICHMAN, SOUTHWICK, HAYNES, GRAVES, HIGGINSON,
WILLET, HO, DUNCAN, ENGELHARDT, OLDHAM, WILSON,
DOUGLAS, and RAMIREZ, *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 December 18, 2025, is VACATED.