

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

July 2, 2021

Lyle W. Cayce
Clerk

No. 20-30382

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

No. 20-30379

JHON ALCIDE; RICHARD ALLEN-EASMON; DUSTIN ANGLE;

JESUS ARGUELLO; VALERIE ARGUELLO, ET AL

Plaintiffs—Appellants,

versus

NIPPON YUSEN KABUSHIKI KAISHA,

Defendant—Appellee.

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

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.