

United States Court of Appeals

Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

Thomas K. Kahn
Clerk

August 30, 2007

NOTICE TO ALL COUNSEL OR RECORD:

No. 05-16964 - Jerry Greenberg v. National Geographic Society, et al.

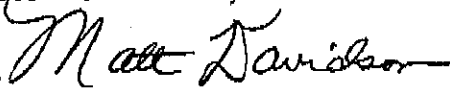
Dear Counsel:

Enclosed is an order entered by the court directing that this case be reheard en banc. Under Eleventh Circuit Rule 35, the effect of granting rehearing en banc is to vacate the previous opinion and judgment of this court and to stay the mandate.

You will be notified by subsequent correspondence of the schedule for filing en banc briefs, the issue(s) which the court wishes the parties to focus on in their briefs, and the page limitations on them. We will communicate with you at a later time regarding report time and time limitations on oral argument should this case be designated for oral argument.

Sincerely,

THOMAS K. KAHN, Clerk

By 

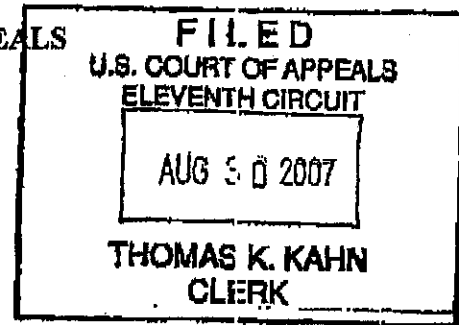
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Clerk, U.S. District Court (SFL-Miami))
Hon. Andrea M. Simonton

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 05-16964

(D.C. Docket No. 97-03924-CV-AMS)



JERRY GREENBERG,
individually,

Plaintiff-Appellee,

IDAZ GREENBEREG,
individually,

Plaintiff,

versus

NATIONAL GEOGRAPHIC SOCIETY,
a District of Columbia corporation, NATIONAL GEOGRAPHIC
ENTERPRISES, INC., a corporation, MINDSCAPE, INC.,
a California corporation,

Defendants-Appellants.

On Appeal from the United States District Court for the
Southern District of Florida

(Opinion June 13, 2007, ___ F.3d ___, 11th Cir. 2007)

(June 13, 2007)

Before EDMONDSON, Chief Judge, TJOFLAT, ANDERSON, BIRCH, DUBINA, BLACK, CARNES, BARKETT,
MARCUS, WILSON and PRYOR, Circuit Judges*.

BY THE COURT:

A member of this Court in active service having requested a poll on the suggestions of rehearing en banc and a majority of the judges in this Court in active service having voted in favor of granting a rehearing en banc,

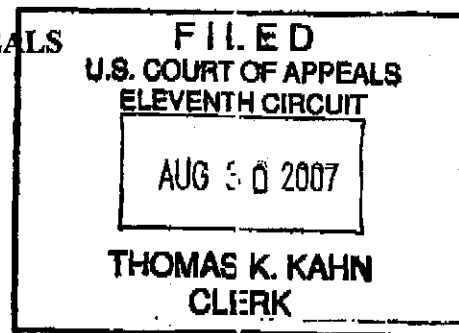
IT IS ORDERED that the above cause shall be reheard by this court en banc. The previous panel's opinion is hereby VACATED.

*Judge Frank M. Hull has recused herself and will not participate. Senior United States Circuit Judge Phyllis A. Kravitch has elected to participate in further proceedings in this matter pursuant to 28 U.S.C. § 46(c).

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