

**United States Court of Appeals**  
FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE  
NEW ORLEANS, LA 70130

TO COUNSEL LISTED BELOW:

No. 10-10751 - Villas at Parkside Partners, Etc., Et Al. vs.  
The City of Farmers Branch, TX  
(USDC Nos. 3:08-CV-1551 and 3:08-CV-1615)

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Dear Counsel:

Enclosed is the court's order filed this date, directing this case be reheard en banc with oral argument.

Under Fifth Circuit Local Rule 41.3 this order vacates the previous opinion and judgment of this court and stays the mandate.

Appellant will have until August 15, 2012, to file an en banc brief, with a blue cover, with appellees' en banc brief, with a red cover, due in this office not later than August 30, 2012. You will be requested to furnish twenty (20) copies of your en banc brief after the electronic filing is reviewed and processed. The case will be heard on Wednesday, September 19, 2012. Court convenes at 9:00 a.m. on this day. Counsel for the parties will receive at a later date a copy of the court's printed calendar showing the position of this case on the September 19<sup>th</sup> docket.

**As soon as possible**, please forward twenty (20) copies of your opening briefs and Record Excerpts previously filed, for the use of the en banc court. As you did previously, we request that all copies be spirally bound.

Very truly yours,

LYLE W. CAYCE, Clerk

By \_\_\_\_\_  
Geraldyn A. Maher  
Calendar Clerk  
504-310-7630

/gam

Encl.

Mr. William A. Brewer, III  
Mr. Peter Michael Jung

Ms. Nina Perales  
Mr. Kris William Kobach

cc: Honorable Jane J. Boyle  
Ms. Stephanie Coon Bauman  
Ms. Rebecca McNeill Couto  
Ms. Jennifer C. Newell  
Mr. Lawrence John Joseph  
Mr. Benjamin M. Schultz

Mr. R. David Broiles  
Mr. Omar C. Jadwat  
Mr. Carlos Ramon Soltero  
Mr. Morris J. Baller  
Mr. Brian DeTray

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

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No. 10-10751

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VILLAS AT PARKSIDE PARTNERS, doing business as Villas at Parkside;  
LAKEVIEW AT PARKSIDE PARTNERS, LIMITED, doing business as  
Lakeview at Parkside; CHATEAU RITZ PARTNERS, doing business as  
Chateau De Ville; MARY MILLER SMITH,

Plaintiffs - Appellees

vs.

THE CITY OF FARMERS BRANCH, TEXAS,

Defendant - Appellant

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VALENTIN REYES; ALICIA GARCIA; GINGER EDWARDS; JOSE  
GUADALUPE ARIAS; AIDE GARZA,

Plaintiffs - Appellees

vs.

CITY OF FARMERS BRANCH,

Defendant - Appellant

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Appeals from the United States District Court for the  
Northern District of Texas, Dallas

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ON PETITION FOR REHEARING EN BANC

(Opinion March 21, 2012, 5 Cir., 2012, 675 F.3d 802)

Before JONES, Chief Judge, JOLLY, DAVIS, SMITH, GARZA, STEWART, DENNIS, CLEMENT, PRADO, OWEN, ELROD, SOUTHWICK, HAYNES, GRAVES and HIGGINSON, Circuit Judges.<sup>1</sup>

BY THE COURT:

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.

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<sup>1</sup>Judge King did not participate.