

**UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 8th day of July, two thousand thirteen,

Present:

Peter W. Hall,
Susan L. Carney,
Circuit Judges.

John C. Ransmeier, administrator of the Estate of
Louis Neil Mariani,

Plaintiff - Appellee,

UAL Corporation, et al.,

Defendants - Appellees,

v.

Ellen Mariani, Proposed Intervenor,

Appellant.

ORDER

Docket Nos. 11-175(L), 11-640(Con)

The Court has before it Appellant's two motions filed June 20, 2013, Docket entries 444 and 445.

Fairly read, the first seeks principally to have that motion (#444) and the subsequent one (#445), and presumably any further reconsideration of the Court's order entered June 14, 2013 (Docket entry 441) determined by a fully constituted three-judge panel. Although this aspect of the motion is not particularly clear from the moving papers, the Court will construe the first motion (#444) as including a request that any such three-member panel be composed of members of the Court other than Judges Hall and Carney. Upon due consideration, that motion (#444) is DENIED.

The second motion (#445) we read as seeking reconsideration of that portion of the Court's order of June 14, 2013, that has precluded Appellant from seeking rehearing en banc only with respect to the Court's May 15, 2013 opinion and order imposing sanctions. Upon due consideration, we now deem that motion (#445) to be duly filed, and we GRANT Appellant's request for reconsideration and VACATE that portion of the Court's June 20, 2013 order (Docket entry 451) striking Appellant's Petition for Rehearing En Banc to the extent that petition seeks en banc reconsideration only of the May 15, 2013 opinion and order imposing sanctions.

The Clerk of Court is respectfully requested to circulate Appellant's Petition for Rehearing En Banc, dated May 28, 2013, and docketed May 29, 2013 (Docket entry 432), to the active judges of the Court and to conduct a poll of those judges to determine whether a majority of them vote to proceed en banc with respect to reconsideration of the May 15, 2013 opinion and order imposing sanctions.

For the Court:

Catherine O'Hagan Wolfe,
Clerk of Court


Catherine O'Hagan Wolfe

The seal of the United States Second Circuit Court of Appeals is circular. It features the text "UNITED STATES" at the top, "SECOND CIRCUIT" in the center, and "COURT OF APPEALS" at the bottom. Two small stars are positioned on either side of the central text.