

**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

November 24, 2014

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW

Regarding: Fifth Circuit Statement on Petitions for Rehearing  
or Rehearing En Banc

No. 13-30299, et al In Re: Louisiana Crawfish Producers

USDC No. 6:10-CV-348  
USDC No. 6:12-CV-193  
USDC No. 6:12-CV-247  
USDC No. 6:12-CV-248  
USDC No. 6:12-CV-195  
USDC No. 6:12-CV-196  
USDC No. 6:12-CV-198  
USDC No. 6:12-CV-197  
USDC No. 6:12-CV-199  
USDC No. 6:12-CV-200  
USDC No. 6:12-CV-201  
USDC No. 6:12-CV-249  
USDC No. 6:12-CV-265  
USDC No. 6:12-CV-250  
USDC No. 6:12-CV-251  
USDC No. 6:12-CV-266  
USDC No. 6:12-CV-267  
USDC No. 6:12-CV-268  
USDC No. 6:12-CV-203  
USDC No. 6:12-CV-252  
USDC No. 6:12-CV-253  
USDC No. 6:12-CV-254  
USDC No. 6:12-CV-204  
USDC No. 6:12-CV-205  
USDC No. 6:12-CV-206  
USDC No. 6:12-CV-207  
USDC No. 6:12-CV-209  
USDC No. 6:12-CV-208  
USDC No. 6:12-CV-210  
USDC No. 6:12-CV-269  
USDC No. 6:12-CV-270  
USDC No. 6:12-CV-255  
USDC No. 6:12-CV-256  
USDC No. 6:12-CV-257  
USDC No. 6:12-CV-258  
USDC No. 6:12-CV-271  
USDC No. 6:12-CV-272  
USDC No. 6:12-CV-229  
USDC No. 6:12-CV-230  
USDC No. 6:12-CV-273  
USDC No. 6:12-CV-231

USDC No. 6:12-CV-274  
USDC No. 6:12-CV-232  
USDC No. 6:12-CV-233  
USDC No. 6:12-CV-235  
USDC No. 6:12-CV-236  
USDC No. 6:12-CV-237  
USDC No. 6:12-CV-238  
USDC No. 6:12-CV-239  
USDC No. 6:12-CV-240  
USDC No. 6:12-CV-241  
USDC No. 6:12-CV-259  
USDC No. 6:12-CV-243  
USDC No. 6:12-CV-260  
USDC No. 6:12-CV-244  
USDC No. 6:12-CV-245  
USDC No. 6:12-CV-261  
USDC No. 6:12-CV-246  
USDC No. 6:12-CV-263  
USDC No. 6:12-CV-264  
USDC No. 6:12-CV-211  
USDC No. 6:12-CV-276  
USDC No. 6:12-CV-277  
USDC No. 6:12-CV-278  
USDC No. 6:12-CV-279  
USDC No. 6:12-CV-212  
USDC No. 6:12-CV-280  
USDC No. 6:12-CV-281  
USDC No. 6:12-CV-282  
USDC No. 6:12-CV-213  
USDC No. 6:12-CV-214  
USDC No. 6:12-CV-215  
USDC No. 6:12-CV-216  
USDC No. 6:12-CV-217  
USDC No. 6:12-CV-218  
USDC No. 6:12-CV-219  
USDC No. 6:12-CV-220  
USDC No. 6:12-CV-222  
USDC No. 6:12-CV-223  
USDC No. 6:12-CV-224  
USDC No. 6:12-CV-225  
USDC No. 6:12-CV-226  
USDC No. 6:12-CV-227  
USDC No. 6:12-CV-228

-----  
Enclosed is a copy of the court's decision. The court has entered judgment under FED R. APP. P. 36. (However, the opinion may yet contain typographical or printing errors which are subject to correction.)

FED R. APP. P. 39 through 41, and 5<sup>TH</sup> CIR. R.s 35, 39, and 41 govern costs, rehearings, and mandates. **5<sup>TH</sup> CIR. R.s 35 and 40 require you to attach to your petition for panel rehearing or rehearing en banc an unmarked copy of the court's opinion or order.** Please read carefully the Internal Operating Procedures (IOP's) following FED R. APP. P. 40 and 5<sup>TH</sup> CIR. R. 35 for a discussion of when a rehearing may be appropriate, the legal standards applied and sanctions which may be imposed if you make a nonmeritorious petition for rehearing en banc.

Direct Criminal Appeals. 5<sup>TH</sup> CIR. R. 41 provides that a motion for a stay of mandate under FED R. APP. P. 41 will not be granted simply upon request. The petition must set forth good cause for a stay or clearly demonstrate that a substantial question will be presented to the Supreme Court. Otherwise, this court may deny the motion and issue the mandate immediately.

Pro Se Cases. If you were unsuccessful in the district court and/or on appeal, and are considering filing a petition for certiorari in the United States Supreme Court, you do not need to file a motion for stay of mandate under FED R. APP. P. 41. The issuance of the mandate does not affect the time, or your right, to file with the Supreme Court.

Should a rehearing be pursued, we call your attention to the following guidelines for record citations.

**Important notice regarding citations to the record on appeal to comply with the recent amendment to 5<sup>TH</sup> CIR. R. 28.2.2.**

Parties are directed to use the new ROA citation format in 5<sup>TH</sup> CIR. R. 28.2.2 **only** for electronic records on appeal with pagination that includes the case number followed by a page number, in the format "YY-NNNNN.###". In single record cases, the party will use the shorthand "ROA.###" to identify the page of the record referenced. For multi-record cases, the parties will have to identify which record is cited by using the entire format (for example, ROA.YY-NNNNN.###).

Parties may not use the new citation formats for USCA5 paginated records. For those records, parties must cite to the record using the USCA5 volume and or page number.

In cases with both pagination formats, parties must use the citation format corresponding to the type of record cited.

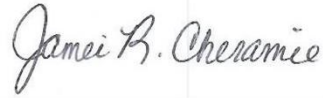
Explanation: In 2013, the court adopted the Electronic Record on Appeal (EROA) as the official record on appeal for all cases in which the district court created the record on appeal on or after 4 August 2013. Records on appeal created on or after that date are paginated using the format YY-NNNNN.###. The records on appeal in some cases contain both new and old pagination formats, requiring us to adopt the procedures above until fully transitioned to the EROA.

The recent amendment to 5<sup>TH</sup> CIR. R. 28.2.2 was adopted to permit a court developed computer program to automatically insert hyperlinks into briefs and other documents citing new EROA records using the new pagination format. This program provides judges a ready link to pages in the EROA cited by parties. The court intended the new citation format for use **only** with records using the new EROA pagination format, but the Clerk's Office failed to explain this limitation in earlier announcements.

The judgment entered provides that appellants pay to appellees the costs on appeal.

Sincerely,

LYLE W. CAYCE, Clerk

A handwritten signature in cursive script that reads "Jamei R. Cheramie". The signature is written in black ink on a white background.

By: \_\_\_\_\_  
Jamei R. Cheramie, Deputy Clerk

Enclosure(s)

Mr. David Mark Bienvenu Jr.  
Mr. David Sinnott Bland  
Mr. Phillip Edward Foco  
Ms. Jana Louise Grauberger  
Mr. Matthew Guy  
Ms. Leigh Ann Haynie  
Mr. Randolph White Hunter  
Mr. Roger E. Ishee  
Mr. Joseph R. Joy III  
Mr. George D. Kappus  
Mr. William H. L. Kaufman  
Mr. F. Barry Marionneaux  
Mr. Thomas M. McNamara  
Mr. John Thomas Nesser IV  
Mr. Joe B. Norman  
Mr. John Michael Parker I  
Mr. Gordon James Schoeffler  
Mr. Brendhan Hofmann Thompson  
Mr. John Allain Viator  
Mr. Stephen L. Williamson