

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

WAYNE ATKINSON, et al.,

Plaintiffs,

v.

Case No. 8:08-cv-691-T-30TBM

WAL-MART STORES, INC., et al.,

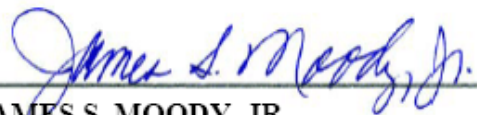
Defendants.

ORDER

THIS CAUSE comes before the Court *sua sponte*. The Court's Order granting Preliminary Approval of the Class Action Settlement (Dkt. 61) was entered in error as the Court overlooked the fact that the case was still pending in the Eleventh Circuit Court of Appeal.

It is therefore ORDERED AND ADJUDGED that the Order Granting Preliminary Approval of the Class Action Settlement (Dkt. 61) is VACATED. Acting in accordance with Eleventh Circuit Rule 12.1-1(c)(2), the Court intends to grant preliminary approval of the class action settlement with an order similar to the one entered in error, should the Appellate Court return jurisdiction to this Court.

DONE and ORDERED in Tampa, Florida on June 30, 2011.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel/Parties of Record

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