

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

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

Amy C. Nerenberg
Acting Clerk of Court

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February 24, 2016

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 15-10602-U

Case Style: Richard Villarreal v. R.J. Reynolds Tobacco Company, et al

District Court Docket No: 2:12-cv-00138-RWS

This Court requires all counsel to file documents electronically using the Electronic Case Files ("ECF") system, unless exempted for good cause.

For the purpose of the upcoming en banc rehearing in the above referenced case, the court desires for counsel to focus on their briefs the following issues:

- 1) Whether § 4(a)(2) of the Age Discrimination in Employment Act, 29 U.S.C. § 623(a)(2), permits applicants for employment to bring disparate-impact claims on the basis of an employer's failure to hire the applicant.
- 2) Whether Mr. Villarreal sufficiently pleaded equitable tolling to survive a motion to dismiss.

APPELLANT'S EN BANC BRIEF TO BE SERVED AND FILED ELECTRONICALLY ON OR BEFORE FRIDAY, MARCH 25, 2016 BY 5:00 P.M. APPELLEE'S EN BANC BRIEF SHALL BE SERVED AND FILED ELECTRONICALLY ON OR BEFORE MONDAY, APRIL 25, 2016 BY 5:00 P.M. Any en banc reply brief shall be filed electronically on or before Tuesday, May 10, 2016 by 5:00 p.m. **NO EXTENSIONS WILL BE GRANTED.** 20 copies of the en banc briefs should be filed (appellant's in blue covers, appellee's in red covers and any reply brief in gray covers). The parties are expected to insure that all other parties receive a copy of their briefs before the close of business on the day of filing. **NO TIME FOR MAILING SHALL BE ALLOWED.** The filing of an en banc amicus brief is governed by 11th Cir. R. 35-8.

All counsel are requested to submit 20 copies of their original panel briefs, appendix and supplemental authorities prior to 5:00 p.m., Friday, March 25, 2016.

Oral argument will be conducted Tuesday, June 21, 2016, in Atlanta, Georgia at 9:00 a.m. Each

party will be allotted 30 minutes per side for oral argument.

Sincerely,

AMY C. NERENBERG, Acting Clerk of Court

Reply to: Jenifer L. Tubbs

Phone #: 404-335-6166 or 404-335-6131

BR-1CIV Civil appeal briefing ntc issued