

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

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

David J. Smith
Clerk of Court

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September 22, 2016

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 12-15548-U
Case Style: Sandra Slater v. U.S. Steel Corporation
District Court Docket No: 2:09-cv-01732-KOB

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 issue:

Whether the doctrine of judicial estoppel as applied to *Barger v. City of Cartersville*, 348 F.3d 1289, 1296 (11th Cir. 2003), and *Burnes v. Pemco Aeroplex, Inc.*, 291 F.3d 1282 (11th Cir. 2002), should be overruled.

Eleventh Circuit Rule 31-1 requires that APPELLANT'S EN BANC BRIEF BE SERVED AND FILED ON OR BEFORE OCTOBER 24, 2016 BY 5:00 P.M. APPELLEE'S EN BANC BRIEF SHALL BE SERVED AND FILED ON OR BEFORE NOVEMBER 23, 2016 BY 5:00 P.M. Any en banc reply brief shall be filed on or before December 8, 2016 by 5:00 p.m. NO EXTENSIONS WILL BE GRANTED. 20 copies of the en banc briefs should be filed (appellants in blue covers, appellees in red covers and any reply briefs 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. October 24, 2016.

Oral argument will be conducted the week of February 6, 2017 in Atlanta, Georgia. Each party will be allotted 20 minutes of oral argument.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Jenifer L. Tubbs

Phone #: 404-335-6166 (direct) or 404-335-6131 (court sessions)

BR-1CIV Civil appeal briefing ntc issued