

**District of Columbia
Court of Appeals**

No. 20-CV-0318

MORGAN BANKS, *et al.*,

Appellants,



v.

2017-CA-005989-B

DAVID H. HOFFMAN, *et al.*,

Appellees.

BEFORE: Blackburne-Rigsby,* Chief Judge, Beckwith, Easterly, Deahl, Howard,* and Shanker, Associate Judges, and Thompson,* Senior Judge.

ORDER

On consideration of appellees' petitions for rehearing or rehearing en banc, appellant's opposition to appellees' petitions, and amici curiae briefs in support of appellees' petitions; and it appearing that a majority of the judges of this court has voted to grant the petitions for rehearing en banc, it is

ORDERED by the merits division* that appellees' petitions for rehearing are denied. It is

FURTHER ORDERED that appellees' petitions for rehearing en banc are granted and that the opinion and judgment of September 7, 2023, are hereby vacated. It is

FURTHER ORDERED that the Clerk shall schedule this matter for argument before the court sitting en banc as soon as the calendar permits. It is

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FURTHER ORDERED that appellant shall file a brief within 30 days from the date of this order; appellee shall file a responsive brief within 30 days after the filing of appellant's opening brief; and any reply brief shall be filed within 21 days thereafter. Any amicus brief shall be filed within 7 days of the opening brief of the party it supports. These new briefs shall be specifically designed for consideration by and addressed to the en banc court and shall supersede all briefs previously filed in this appeal.

PER CURIAM

Associate Judge McLeese did not participate in this case.

Copies emailed to:

Honorable Hiram E. Puig-Lugo

Director, Civil Division

Copies e-served to:

Bonny J. Forrest, Esquire

Thomas G. Hentoff, Esquire

Barbara S. Wahl, Esquire

James C. McKay, Jr., Esquire

Caroline Van Zile, Esquire

Solicitor General – DC

Laura R. Handman, Esquire

Katie Townsend, Esquire

DISTRICT OF COLUMBIA COURT OF APPEALS

January 23, 2024

To: Bonny J. Forrest, Esquire
Thomas G. Hentoff, Esquire
Barbara S. Wahl, Esquire
Caroline Van Zile, Esquire

Re: **No. 20-CV-0318 MORGAN BANKS, ET AL. V. DAVID H. HOFFMAN, ET AL.**

This appeal is likely to be calendared for *en banc* argument in May – June 2024.

Please take the following steps at your earliest convenience or by the indicated deadline:

- Court records indicate that you are the arguing counsel; if not, call the Public Office at (202) 879-2700.
- **Email any dates that you are *not* available for oral argument** to CalendarClerk@dcappeals.gov within ten days of the date of this notice. **Continue to provide unavailability dates until your case is calendared.** The Court will attempt to accommodate your schedule.
- **Verify your contact information**, including cell phone and email address, in the eFiling system. If you do not use the eFiling system, email efilehelp@dcappeals.gov or call the Public Office at (202) 879-2700.

In addition, please be advised of the following:

- The court does not encourage the filing of motions to postpone a scheduled argument. If you must seek a change, please indicate in your motion both the opponent's position regarding rescheduling the argument and alternative dates when you and opposing counsel would be available for rescheduling.
- If you file any motions or supplemental pleadings in a calendared matter, indicate the calendar type and date (*e.g.*, "En banc, May 1, 2022"). *See* D.C. App. R. 27(d)(6).
- D.C. App. R. 27 contains current requirements regarding the content of motions.

Details, updates, alerts, and additional information on court rules and procedures are available at www.dccourts.gov.

JULIO A. CASTILLO
Clerk of the Court