

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

\_\_\_\_\_  
No. 18-30652  
\_\_\_\_\_

United States Court of Appeals  
Fifth Circuit

**FILED**

May 8, 2019

Lyle W. Cayce  
Clerk

JAMES A. LATIOLAIS,

Plaintiff - Appellee

v.

HUNTINGTON INGALLS, INCORPORATED, formerly known as  
Northrop Grumman Shipbuilding, Incorporated, formerly known as  
Northrop Grumman Ship Systems, Incorporated, formerly known as  
Avondale Industries, Incorporated,

Defendant - Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Eastern District of Louisiana  
\_\_\_\_\_

ON PETITION FOR REHEARING EN BANC

(Opinion March 11, 2019, 5 Cir., 2019, 918 F.3d 406)

Before STEWART, Chief Judge, JONES, SMITH, DENNIS, OWEN, ELROD,  
SOUTHWICK, HAYNES, GRAVES, HIGGINSON, COSTA, WILLETT, HO,  
DUNCAN, and OLDHAM, Circuit Judges.<sup>1</sup>

BY THE COURT:

A member of the court having requested a poll on the petition for  
rehearing en banc, and a majority of the circuit judges in regular active  
service and not disqualified having voted in favor,

\_\_\_\_\_  
<sup>1</sup> Judge Engelhardt is recused and did not participate in this decision.

No. 18-30652

IT IS ORDERED that this cause shall be reheard by the court en banc with oral argument on a date hereafter to be fixed. The Clerk will specify a briefing schedule for the filing of supplemental briefs.