

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 98-2709

D.C. Docket No. 98-460-Civ-J-10C

**FILED**  
U.S. COURT OF APPEALS  
ELEVENTH CIRCUIT  
06/03/99  
THOMAS K. KAHN  
CLERK

EMILY ADLER, individually; on behalf  
of herself and all persons similarly situated,  
SETH FINCK, individually; on behalf of  
himself and all persons similarly situated, et al.,

Plaintiffs-Appellants,

versus

DUVAL COUNTY SCHOOL BOARD,  
DUVAL COUNTY PUBLIC SCHOOL DISTRICT,

Defendants-Appellees.

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\_\_\_\_\_  
No. 98-2720  
\_\_\_\_\_

D.C. Docket No. 98-460-Civ-J-10C

EMILY ADLER, individually; on behalf  
of herself and all persons similarly situated,  
SETH FINCK, individually; on behalf of  
himself and all persons similarly situated, et al.,

Plaintiffs-Appellees,

versus

SUSAN BOLES, as parent & next friend of  
Rebecca Boles, a minor child and on behalf  
of all public school students within the Duval  
County Public School District,

Movants-Appellants.

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Appeals from the United States District Court  
for the Middle District of Florida

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(Opinion May 11, 1999, 11th Cir., 1999, \_\_ F.3d \_\_)

(June 3, 1999)

Before ANDERSON, Chief Judge, TJOFLAT, EDMONDSON, COX, BIRCH,  
DUBINA, BLACK, CARNES and BARKETT, HULL and MARCUS, Circuit  
Judges\*.

BY THE COURT :

A member of this court in active service having requested a poll on  
whether this case should be reheard by the Court sitting en banc, and a majority of the  
judges in this court in active service having voted in favor of granting a rehearing en  
banc,

IT IS ORDERED that the above cause shall be reheard by this court en banc. The previous panel's opinion is hereby VACATED.

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\*Senior U. S. Circuit Judge Phyllis A. Kravitch has elected to participate in further proceedings in this matter pursuant to 28 U.S.C. § 46(c).