

[PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

\_\_\_\_\_  
Nos. 05-16509 & 05-17072  
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FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT NOV 06, 2007 THOMAS K. KAHN CLERK
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D. C. Docket No. 04-02684-CV-AR-M

THERON OLIVER,

Plaintiff-Appellee,

versus

COCA COLA COMPANY,  
BROADSPIRE SERVICES, INC.,

Defendants-Appellants.

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Appeals from the United States District Court  
for the Northern District of Alabama  
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ON PETITION FOR REHEARING

Before BIRCH and BLACK, Circuit Judges, and PRESNELL,\* District Judge.

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\*Honorable Gregory A. Presnell, United States District Judge for the Middle District of Florida, sitting by designation.

BY THE COURT:

In acknowledgment that our consideration of the Plan's offset provision was premature, the Petition for Rehearing filed by The Coca-Cola Company is GRANTED. Section II.F of our opinion in this appeal, 497 F.3d 1181, dated 29 August 2007 is VACATED, and reconsideration of the issue is STAYED pending the Court's decision in White v. The Coca-Cola Company, Case No. 07-13938.