

United States Court of Appeals,  
Eleventh Circuit.

No. 94-4595.

LIFECARE INTERNATIONAL, INCORPORATED, a California corporation,  
Plaintiff-Appellee,

v.

CD MEDICAL, INC., a Delaware corporation, C.D. Medical, B.V., a  
Dutch corporation, Defendants-Appellants.

May 31, 1996.

Appeal from the United States District Court for the Southern  
District of Florida (No. 90-283-CIV-FAM), Federico A. Moreno,  
Judge.

Prior report: 11th Cir., 68 F.3d 429.

Before EDMONDSON, Circuit Judge, HILL, Senior Circuit Judge, and  
MILLS\*, District Judge.

BY THE COURT:

The motion to recall the mandate filed by Movant Craig Edward  
Stein is GRANTED.

We modify and supplement our opinion in this case with this  
observation:

The statements by the Court in discussing the issues raised in  
this appeal concerning alleged bias on the part of Mr. Stein  
are based upon the record created by the parties to this case.  
As a nonparty, Mr. Stein was not entitled to present evidence  
or otherwise to respond to the allegations. Thus, the  
statements in the opinion should not be interpreted to  
represent conclusions of the Court about the actual conduct of  
Mr. Stein.

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\*Honorable Richard Mills, U.S. District Judge for the  
Central District of Illinois, sitting by designation.