

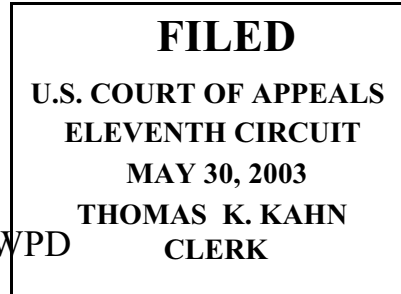
[PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 00-12627

D. C. Docket No. 99-08549-CV-WPD



SALOMON SMITH BARNEY, INC.,

Plaintiff-Appellee,

versus

ARTHUR HARVEY, M.D., individually, and as
beneficiary of the Arthur Harvey, M.D. Inc.
Employee Defined Benefit Plan,
DELORES THOMAS,

Defendants-Appellants.

Appeal from the United States District Court
for the Southern District of Florida

(May 30, 2003)

ON REMAND FROM THE SUPREME COURT OF THE UNITED STATES

Before TJOFLAT and DUBINA, Circuit Judges, and SHAPIRO*, District Judge.

*Honorable Norma L. Shapiro, United States District Judge for the Eastern District of
Pennsylvania, sitting by designation.

PER CURIAM:

This case is before us on remand from the United States Supreme Court for reconsideration in light of *Howsam v. Dean Witter Reynolds, Inc.*, 537 U.S. 79, 123 S. Ct. 588, 154 L. Ed. 2d 491 (2002). *Harvey v. Salomon Smith Barney, Inc.*, ___ U.S. ___, 123 S. Ct. 718, 154 L. Ed. 2d 629 (2002). We directed the parties to file supplemental briefs discussing the effects of *Howsam* on the present case. The parties complied with our directive.

After carefully reviewing the *Howsam* decision, and reading the parties' supplemental briefs, we vacate the district court's judgment and remand this case with directions to the district court to vacate its injunction and require Salomon Smith Barney to arbitrate.

VACATED and REMANDED.