

[PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 00-14413

D.C. Docket No. 96-01738-CV

FILED  
U.S. COURT OF APPEALS  
ELEVENTH CIRCUIT  
JULY 24, 2002  
THOMAS K. KAHN  
CLERK

ATLANTA JOURNAL AND  
CONSTITUTION, USA TODAY,  
a division of Gannett  
Satellite Information Network  
("GANSAT"), Inc.

Plaintiffs-Appellees,

NEW YORK TIMES COMPANY,  
d.b.a. The New York Times,

Intervenor-Plaintiff,  
Appellee,

versus

THE CITY OF ATLANTA DEPARTMENT  
OF AVIATION, BENJAMIN R. DECOSTA, in  
his official capacity as Aviation  
General Manager, City of Atlanta,  
MARIO DIAZ, in his official  
capacity as Aviation Deputy  
General Manager, City of Atlanta,  
SHIRLEY FRANKLIN, in her official  
capacity as Mayor, City of Atlanta,

Defendants-Appellants.

No. 00-15181

D. C. Docket No. 96-01738-CV-RWS-1

ATLANTA JOURNAL AND  
CONSTITUTION,  
USA TODAY,

Plainiffs-Appellees,

NEW YORK TIMES COMPANY,  
d.b.a. The New York Times,

Intervenor-Plaintiff,  
Appellee,

versus

THE CITY OF ATLANTA DEPARTMENT  
OF AVIATION, BENJAMIN R. DECOSTA, in  
his official capacity as Aviation  
General Manager, City of Atlanta,  
MARIO DIAZ, in his official capacity  
as Aviation Deputy General Manager,  
City of Atlanta, SHIRLEY FRANKLIN,  
in her official capacity as Mayor,  
City of Atlanta,

Defendants-Appellants.

---

No. 00-15185

---

D. C. Docket No. 96-01847-CV-RWS-1

USA TODAY, a division of  
Gannett Satellite Information  
Network ("GANSAT"), Inc.,

Plaintiff-Appellee,

NEW YORK TIMES COMPANY,  
d.b.a. The New York Times,

Intervenor-Plaintiff,  
Appellee,

versus

CITY OF ATLANTA DEPARTMENT  
OF AVIATION, BENJAMIN R. DECOSTA,  
in his official capacity as  
Aviation General Manager, City  
of Atlanta, MARIO DIAZ, in  
his official capacity as Aviation  
Deputy General Manager, City of  
Atlanta, SHIRLEY FRANKLIN, in her  
official capacity as Mayor, City of  
Atlanta,

Defendants-Appellants.

---

Appeals from the United States District Court  
for the Northern District of Georgia

---

(Opinion January 4, 2002, 277 F.3d . 1322, 11th Cir., 2002)

(July 24, 2002)

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

BY THE COURT:

A member of this court in active service having requested a poll on the suggestion of rehearing 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 causes shall be reheard by this court en banc.

The previous panel's opinion is hereby VACATED.

---

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