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Crystallex International Corp v. Bolivarian Republic of Venezue

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UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 18-2889

In re: PETROLEOS DE VENEZUELA, S.A.,
Petitioner

(D. Del. No 1-17-mc-00151)

SUR PETITION FOR PANEL REHEARING

Present: McKEE, VANASKIE, and SCIRCIA, Circuit Judges

The petition for rehearing filed by Petitioner Petroleos de Venezuela SA in the above-entitled case having been submitted to the judges who participated in the decision of this Court,

it is hereby O R D E R E D that the petition for rehearing by the panel is granted. The order denying the petition for writ of mandamus and leave for petitioner to file a reply entered October 26, 2018 is hereby vacated; and,

it is further O R D E R E D that the petition for writ of mandamus is hereby consolidated with the appeals at Nos. 18-2797 and 18-3124 for disposition. Petitioner's reply to the response and supplemental response filed by Respondent Crystallex International Corporation which was submitted on October 16, 2018 is deemed filed as of the date of this order. The petition for writ of mandamus, the response, supplemental response, and the reply are referred to the same merits panel which will consider the appeals at Nos. 18-2797 and 18-3124; and,

it is further O R D E R E D that all proceedings in the District Court are hereby stayed pending the merits panel's disposition of the petition for writ of mandamus and the consolidated appeals; and,

in light of this action taken by the panel, the petition for rehearing en banc is denied as moot at the Court's direction.

The action taken by the panel today should not be construed as a determination that mandamus relief is appropriate. The merits panel will determine whether mandamus relief is warranted.

By the Court,

s/ Thomas I. Vanaskie
Circuit Judge

Date: November 23, 2018

CJG/cc: All Counsel of Record



Patricia A. Dodszeuweit

Patricia S. Dodszeuweit, Clerk