

UNPUBLISHED

Filed: May 30, 2001

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-1677

VULCAN CHEMICAL TECHNOLOGIES, INCORPORATED;
VULCAN MATERIALS COMPANY,

Plaintiffs - Appellees,*

versus

PHILLIP J. BARKER, d/b/a Sabra Asia,

Defendant - Appellant.

O R D E R

On May 29, 2001, at 11:55 a.m., E.D.T., Judge Widener entered an order as a single judge under F.R.A.P. 8 due to the requirements of time, which order stayed an order of the district court entered in this case which enjoined Barker from appearing in any other proceeding in any other court until the Vulcan plaintiffs' petition to vacate the California arbitration award had been disposed of in the district court for the Western District of Virginia.

On that same day, May 29, 2001, the Vulcan plaintiffs filed a motion for reconsideration of Judge Widener's order of May 29, and

also on that same day our clerk's office assigned Judge Motz and Judge King as the other members of a panel to review Judge Widener's said order.

In their said motion for reconsideration filed May 29, 2001, the Vulcan defendants requested immediate consideration of that motion, noting in the motion and by letter that the California Superior Court had set a hearing on the merits of the case, among other things, for today, May 30, at 2:00 p.m. Pacific Time (5:00 p.m. E.D.T.).

The panel has considered on its merits the motion of the Vulcan defendants to reconsider the said order of Judge Widener of May 29, and, in so doing, it has considered all of the papers, including letters, submitted to it by the attorneys.

The panel is of opinion that the said order of Judge Widener of May 29, 2001 is free from error.

It is accordingly ADJUDGED and ORDERED that the said motion of the Vulcan defendants for reconsideration of Judge Widener's order of May 29, 2001 shall be, and the same hereby is, denied.

With the concurrences of Judge Motz and Judge King.

Entered at 2:50 p.m. E.D.T. May 30, 2001.

/s/

H. E. Widener, Jr.
For the Court

* The plaintiffs here are the defendants in the case in the California state court.