

FILED: May 29, 2001

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 01-1677

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VULCAN CHEMICAL TECHNOLOGIES, INCORPORATED;  
VULCAN MATERIALS COMPANY,

Plaintiffs-Appellees,

versus

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

Defendant-Appellant.

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O R D E R

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Upon motion of Barker and after considering the record and briefs and argument of counsel, for the reasons expressed in an opinion in writing this day filed, it is accordingly ADJUDGED and ORDERED that the order of the district court appealed from, which was filed May 24, 2001, shall be, and it hereby is, stayed during the pendency of this appeal and until the further order of this court.

Upon the motion of the Vulcan companies, that I stay this order pending a reconsideration of the motion of Barker by a panel of this court, I deny the motion for the reason that the Superior Court of Sacramento County, California is awaiting the outcome of

this proceeding, and I am advised that such hearing has been set for 12:00 noon this date, Eastern Daylight Time. This order is entered at 11:55 a.m. Eastern Daylight Time.

Each of the attorneys for all of the parties objected to every adverse ruling contained in my opinion and in this order, for every reason which may be supported by the record, and stated fully the grounds for such objection.

Entered this 29th day of May, 2001, at 11:55 a.m.

/s/

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H. E. Widener, Jr.  
United States Circuit Judge