

Filed: February 17, 1998

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-1223

STEPHEN A. ARMSTRONG,

Appellant,

and

INTER-WORLD DEVELOPMENT CORPORATION;
INTERNATIONAL INVESTIGATIONS, INCORPORATED;
RICHARD L. BAST,

Plaintiffs,

versus

JEANNE GOLDBERG; J. FREDERICK SINCLAIR; THOMAS
J. CURCIO; ANTONIA LEIGH PETTIT; JACOBVITZ,
ENGLISH & SMITH, P.C.; BARBARA OZELLA REVES;
WILLIAM G. BILLINGHAM; PATRICIA GRIEST; JOHN
F. DAVIS; MARY AUDREY LARKIN; LOIS AMES;
ANTHONY JOSEPH PETTIT,

Defendants - Appellees,

and

VICTOR MICHAEL GLASBERG; COHEN, DUNN &
SINCLAIR, P.C.; CARTER & KRAMER, P.C.; CHARLES
WARREN KRAMER; DAVID SMITH; CLAUDE DAVID
CONVISSER; NANCY GERTNER; JODY L. NEWMAN;
DELMAR D. HARTLEY; MADDONA LEA SCHAMP PETTIT,
removed to Bankruptcy Court for the Eastern
District of Virginia; ANNE CONNELL; WILLIAM C.
HILLMAN; ROGER A. COX,

Defendants.

O R D E R

On November 18, 1997, we filed our opinion in this case in which we recited that relief was sought from an order entered December 6, 1995, among other orders. Further reference to the record shows that our said opinion should have referred to an order entered December 5, 1995 rather than December 6, 1995.

To that order entered December 5, 1995, Armstrong, on December 19, 1995, filed his motion under Fed. R. Civ. P. 59(e) to alter or amend the judgment of the said order of the district court entered December 5, 1995.

The district court never acted on the said motion of Armstrong filed December 19, 1995, although the same was timely filed. Through error, we dismissed the appeal in this case from the said order of December 5, 1995, although the said motion of Armstrong filed under Fed. R. Civ. P. 59(e) had never been acted on.

Armstrong has filed his petition for rehearing to our said decision of November 18, 1997, and so far as our opinion denies relief by way of appeal from the said order of December 5, 1995, the petition for rehearing is well taken.

It is accordingly ADJUDGED and ORDERED that so far as our said decision of November 18, 1997 denies relief from the said order of the district court entered December 5, 1995, our decision shall be, and it hereby is, vacated.

It is further ADJUDGED and ORDERED that the case shall be, and it hereby is, remanded to the district court to take further action in the case consistent with this order.

With the concurrences of Judge Luttig and Judge Butzner.

/s/ H. E. Widener, Jr.

For the Court