

November 9, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 03-41279

DAVID E WEBB; THOMAS DIXON

Plaintiffs - Counter Defendants - Appellees

v.

CAI WIRELESS SYSTEMS INC; ET AL

Defendants

JARED ABBRUZZESE

Defendant - Counter Claimant - Appellant

Appeal from the United States District Court for the
Eastern District of Texas, Sherman

Before REAVLEY, JONES and DENNIS, Circuit Judges.*

PER CURIAM:

IT IS ORDERED that the joint motion to set aside the opinion and judgment issued on September 9, 2004 is granted.

IT IS FURTHER ORDERED that the joint motion to vacate the judgment of the District Court is granted.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

IT IS FURTHER ORDERED that the joint motion to remand the case to the United States District Court for further proceedings pursuant to the settlement is granted.