

RECOMMENDED FOR PUBLICATION
Pursuant to Sixth Circuit I.O.P. 32.1(b)

File Name: 24a0271p.06

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

DENNIS SPEERLY; JOSEPH SIERCHIO; DARRIN DEGRAND; DANIEL DRAIN; WAVERS SMITH; RICHARD FREEMAN; CHRISTOPHER GILES; LOUIS RAY; RICHARD SULLIVAN; JAMES NORVELL; MICHAEL BANKS; GUY CLARK; MARIA BARALLARDOS; CARY SHERROW; JASON KEVIN SINCLAIR; KIMBERLY COULSON; TROY COULSON; ANDRE MCQUADE; DONALD DYKSHORN; TAIT THOMAS; JAMES PAUL BROWNE; WILLIAM FREDO; JON ELLARD; RHIANNA MEYERS; RANDALL JACOBS; MICHAEL PONDER; PHILIP WEEKS; KATRINA FREDO; JIMMY FLOWERS; STEVEN BRACK; KEVIN WESLEY; BRIAN LLOYD; GREGORY BUTSCHA; JERRY CARROLL; KIMBERLY CARROLL; DOMINIC EATHERTON; THOMAS EDMONDSON; RICHARD FILIAGGI; ROBERT HIGGINS; DAVID THOMPSON; DONALD SICURA,
Plaintiffs-Appellees,

No. 23-1940

v.

GENERAL MOTORS, LLC,

Defendant-Appellant.

On Petition for Rehearing En Banc

United States District Court for the Eastern District of Michigan at Detroit.

Nos. 2:19-cv-11044; 2:19-cv-11802; 2:19-cv-11808; 2:19-cv-11875;
2:19-cv-12371—David M. Lawson, District Judge.

Decided and Filed: December 19, 2024

Before: SUTTON, Chief Judge; MOORE, CLAY, GRIFFIN, KETHLEDGE,
STRANCH, THAPAR, BUSH, LARSEN, NALBANDIAN, READLER,
MURPHY, MATHIS, BLOOMEKATZ, and RITZ, Circuit Judges.*

*Hon. Stephanie Dawkins Davis is recused from participation in this case.

COUNSEL

ON PETITION FOR REHEARING EN BANC: Richard C. Godfrey, R. Allan Pixton, QUINN EMANUEL URQUHART & SULLIVAN, LLP, Chicago, Illinois, John F. Bash, QUINN EMANUEL URQUHART & SULLIVAN, LLP, Austin, Texas, Renee D. Smith, Cole T. Carter, KIRKLAND & ELLIS LLP, Chicago, Illinois, Jason M. Wilcox, KIRKLAND & ELLIS LLP, Washington, D.C., Stephanie A. Douglas, BUSH SEYFERTH PLLC, Troy, Michigan, for Appellant. **ON RESPONSE:** Douglas J. McNamara, Karina Puttieva, Madelyn Petersen, COHEN MILSTEIN SELLERS & TOLL PLLC, Washington, D.C., Theodore J. Leopold, COHEN MILSTEIN SELLERS & TOLL PLLC, Palm Beach Gardens, Florida, for Appellees. **ON BRIEF:** John M. Thomas, DYKEMA GOSSETT PLLC, Ann Arbor, Michigan, Kyle M. Asher, DYKEMA GOSSETT PLLC, Lansing, Michigan, Stephen A. D’Aunoy, KLEIN THOMAS LEE & FRESARD, St. Louis, Missouri, Brandon L. Boxler, KLEIN THOMAS LEE & FRESARD, Richmond, Virginia, Brian D. Schmalzbach, MCGUIREWOODS LLP, Richmond, Virginia, Wendy Liu, PUBLIC CITIZEN LITIGATION GROUP, Washington, D.C., for Amici Curiae.

ORDER

A majority of the Judges of this Court in regular active service has voted for rehearing en banc of this case. Under Sixth Circuit Rule 40(d), “[a] decision to grant rehearing en banc vacates the previous opinion and judgment of the court, stays the mandate, and restores the case on the docket as a pending appeal.”

Accordingly, it is ORDERED that the previous decision and judgment of this court are vacated, the mandate is stayed, and this case is restored to the docket as a pending appeal.

The Clerk will direct the parties to file supplemental briefs and will schedule this case for oral argument as soon as possible.

ENTERED BY ORDER OF THE COURT



Kelly L. Stephens, Clerk