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S.C. Circuit Courts

March 19, 2012

The Hon. Patricia S. Connor
Clerk of the Fourth Circuit Court of Appeals
1100 East Main Street, Suite 501
Richmond, Virginia 23219-3517

Re: *WEC Carolina Energy Solutions, v. Willie "Mike Miller, Emily Kelley and Arc Energy Services, Inc.*, 11-1201

Dear Ms. Connor:

Pursuant to Rule 28(j) of the Federal Rules of Appellate Procedure and Local Rule 28(e), Appellees would like to draw the Court's attention to the order granting an *en banc* rehearing in *United States v. Nosal*, 642 F.3d 781 (9th Cir. 2011), which was cited and discussed by both Appellant and Appellees. The Ninth Circuit's order stated that: "The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit." *United States v. Nosal*, 661 F.3d 1180 (9th Cir. 2011).

With kind regards, I am

Sincerely yours,

Jim Bradford Law Firm, LLC

By: s/James W. Bradford, Jr.

Charles S. Bradford, P.A.

By: s/Daniel S. Harshaw

McCoy Law Firm, LLC

By: s/Brian S. McCoy

Attorneys for Appellees

cc. Counsel for Appellant