

United States Court of Appeals,  
Fifth Circuit.

WASTE CONTROL SPECIALISTS, LLC,  
Plaintiff-Appellant,

v.

ENVIROCARE OF TEXAS, INC.; et al., Defendants,  
Envirocare of Texas, Inc.; Envirocare of Utah, Inc.;  
Khosrow B. Semnani;

Charles A. Judd; Frank C. Thorley, Defendants-Appellees.

**No. 98-50952.**

March 15, 2000.

[Sidney Katherine Powell](#), Powell & Associates, Dallas, TX,  
Deborah Ann Pearce-Reggio, River Ridge, LA, for  
Plaintiff--Appellant.

[Roy Q. Minton](#), [Martha S. Dickie](#), Minton, Burton, Foster &  
Collins, Austin, TX, [Richard Dolman Davis, Jr.](#), Cotton,  
Bledsoe, Tighe & Dawson, Midland, TX, [Don C. Lewis](#),  
Verner, Liipfert, Bernhard, McPherson & Hand,  
Washington, DC, for Defendants--Appellees.

Appeal from the United States District Court for the  
Western District of Texas; Lucius D. Bunton, III, Judge.

ON PETITION FOR PANEL REHEARING AND  
REHEARING EN BANC.

(Opinion Jan. 18, 2000, 5th Cir., 2000, [199 F.3d 781](#))

Before [REYNALDO G. GARZA](#), [JOLLY](#) and [WIENER](#),  
Circuit Judges.

[E. GRADY JOLLY](#), Circuit Judge:

The appellees' ("Envirocare") Petition for Panel Rehearing is GRANTED. Part IV of the Opinion is withdrawn and the following section is substituted therefore. In all other respects, the Petition for Panel Rehearing is Denied. Furthermore, no member of this panel nor judge in regular active service on the court having requested that the court be polled on Rehearing En Banc, (FED. R. APP. P. and 5TH CIR. R. 35) the Petition for Rehearing En Banc is DENIED.

IV

Finally, we note that WCS has asked for the imposition of attorney's fees pursuant to [28 U.S.C. § 1447\(c\)](#), which states in relevant part: "An order remanding the case may require payment of just costs and any actual expenses, including attorney fees, incurred as a result of the removal." In this connection, the district court on remand shall decide, in the

light of this opinion and other facts and evidence as may be relevant, whether the removal of this case was or was not objectively reasonable, and, thus, whether to enter an \*226 appropriate award of attorney's fees as provided in [§ 1447\(c\)](#). See *Valdes v. Wal-Mart Stores, Inc.*, [199 F.3d 290](#) (5th Cir.2000).

207 F.3d 225, 2000-2 Trade Cases P 73,052

END OF DOCUMENT