

U. S. COURT OF APPEALS
FILED

OCT 29 2009

CHARLES R. FULBRIGHT III
CLERK

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 08-40746

In The Matter Of: THE PACIFIC LUMBER CO; SCOTIA PACIFIC
COMPANY LLC

Debtors

BANK OF NEW YORK TRUST COMPANY NA, as Indenture Trustee for
the Timber Notes; ANGELO GORDON & CO LP, AURELIUS CAPITAL
MANAGEMENT LP, AND DAVIDSON KEMPNER CAPITAL
MANAGEMENT LLC; SCOTIA PACIFIC COMPANY LLC; CSG
INVESTMENTS; SCOTIA REDWOOD FOUNDATION INC

Appellants

v,

OFFICIAL UNSECURED CREDITORS' COMMITTEE, Official Unsecured
Creditors' Committee Appellee; MARATHON STRUCTURED FINANCE
FUND LP; MENDOCINO REDWOOD COMPANY LLC; THE PACIFIC
LUMBER CO; UNITED STATES JUSTICE DEPARTMENT; CALIFORNIA
STATE AGENCIES

Appellees

Appeal from the United States District Court for the
Southern District of Texas, Corpus Christi

ON PETITION FOR REHEARING AND REHEARING EN BANC

(Opinion 09/29/09, 5 Cir., _____, _____, F.3d _____)

Before JONES, Chief Judge, and OWEN and SOUTHWICK, Circuit Judges.

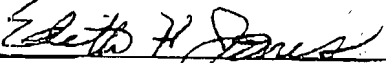
PER CURIAM:

The Petition for Rehearing is DENIED and 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 also DENIED.

The Petition for Rehearing is DENIED and the court having been polled at the request of one of the members of the court and a majority of the judges who are in regular active service and not disqualified not having voted in favor, (FED. R. APP. P. and 5TH CIR. R. 35) the Petition for Rehearing En Banc is also DENIED.

A member of the court in active service having requested a poll on the reconsideration of this cause en banc, and a majority of the judges in active service and not disqualified not having voted in favor, Rehearing En Banc is DENIED.

ENTERED FOR THE COURT:



United States Circuit Judge

Judges Clement, Elrod and Haynes did not participate in the consideration of the rehearing en banc.