

United States Court of Appeals

Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

Thomas K. Kahn
Clerk

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June 13, 2007

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 06-14222-EE

Case Style: Charles B. Shane, M.D. v. Humana, Inc.

District Court Number: 04-21589 CV-FAM ()

Enclosed is a copy of the court's decision filed today in this appeal. Judgment has this day been entered pursuant to Rule 36 of the Federal Rules of Appellate Procedure. Fed.R.App.P. 39, 40 and 41, and the corresponding circuit rules govern costs and attorney's fees, petitions for rehearing, and mandate, respectively.

The time for filing a petition for rehearing is governed by 11th Cir. R. 40-3, and the time for filing a petition for rehearing en banc is governed by 11th Cir. R. 35-2. Except as otherwise provided by FRAP 25(a) for inmate filings, a petition for rehearing or rehearing en banc is timely only if received in the clerk's office within the time specified in the rules. The timing, format, and content of a motion for attorney's fees and an objection thereto is governed by 11th Cir. R. 39-2 and 39-3.

Please note that a petition for rehearing en banc must include in the Certificate of Interested Persons a complete list of all persons and entities listed on all certificates previously filed by any party in the appeal. See 11th Cir. R. 26.1-1. In addition, a copy of the opinion sought to be reheard must be included in any petition for rehearing or petition for rehearing en banc. See 11th Cir. R. 35-6(k) and 40-1.

Counsel appointed under the CRIMINAL JUSTICE ACT must file a CJA voucher claiming compensation for time spent on the appeal no later than 60 days after either issuance of mandate *or* filing with the U.S. Supreme Court of a petition for a writ of certiorari (whichever is later).

Pursuant to Fed.R.App.P. 39, Costs taxed against the Appellants.

For questions concerning the issuance of this court's decision, please call (404) 335-6161, (404) 335-6151 or the "Reply To" number shown below. For all other questions, please call Wiegmann, Brenda (404) 335-6174.

Sincerely,

THOMAS K. KAHN, Clerk

Reply To: Toni Harper (404) 335-6147

Encl.

OPIN-1A (01-2006)

JUN 18 2007

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

Nos. 06-14222 & 06-14497

D. C. Docket Nos.
04-21589-CV-FAM & 00-01334-MD-FAM

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT June 13, 2007 THOMAS K. KAHN CLERK
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CHARLES B. SHANE, M.D.,
JEFFREY BOOK, D.O.,
H. ROBERT HARRISON, M.D.,
GLENN L. KELLY, M.D.,
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ANDRES TALEISNIK, M.D.,
JULIO TALEISNIK, M.D.,
ROGER WILSON, M.D.,
MEDICAL ASSOCIATION OF GEORGIA,
FLORIDA MEDICAL ASSOCIATION,
LOUISIANA STATE MEDICAL SOCIETY,

Plaintiffs-Appellants,

versus

HUMANA, INC.,
COVENTRY HEALTH CARE, INC.,
HUMANA HEALTH PLAN, INC.,
PACIFICARE HEALTH SYSTEMS, INC.,
PRUDENTIAL INSURANCE COMPANY OF AMERICA, et al.,

Defendants-Appellees.

Appeals from the United States District Court
for the Southern District of Florida

(June 13, 2007)

Before CARNES and WILSON, Circuit Judges, and WALTER,* District Judge.

PER CURIAM:

The judgment of the district court is affirmed for the reasons set out in the district court's order granting summary judgment, which was filed on June 19, 2006, except that we do not reach the issue of whether the "plus factors" requirement from antitrust law is applicable in civil RICO cases. Even if that requirement is not applicable, the district court's judgment is still due to be affirmed under the facts and circumstances of this case.

AFFIRMED.

*Honorable Donald E. Walter, United States District Judge for the Western District of Louisiana, sitting by designation.

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June 13, 2007

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CC: Joe R. Whatley, Jr.

CC: Charlene P. Ford ✓

CC: Stanley H. Wakshlag

CC: Edward Soto

CC: William Bard Brockman

CC: Gregory S. Coleman

CC: Christopher R.J. Pace

CC: V. Robert Denham

CC: Lisa Royce Eskow

CC: John C. Patton

CC: Kathlynn Butler Polvino

CC: Thomas C. Zielinski

CC: Marc S. Tabolsky

CC: Carol A. Funk

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