

FILED: July 26, 2018

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-1960

(8:09-md-2083-RWT)

(8:09-cv-00744-RWT)

(8:09-cv-02739-RWT)

(8:09-cv-02740-RWT)

(8:09-cv-02741-RWT)

(8:09-cv-02742-RWT)

(8:09-cv-02743-RWT)

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(8:10-cv-00389-RWT)
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(8:10-cv-00814-RWT)
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(8:10-cv-00836-RWT)
(8:10-cv-01160-RWT)
(8:11-cv-00336-RWT)
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(8:11-cv-00338-RWT)
(8:11-cv-01092-RWT)
(8:11-cv-02634-RWT)
(8:11-cv-02635-RWT)
(8:11-cv-03292-RWT)
(8:11-cv-03542-RWT)
(8:12-cv-03070-RWT)
(8:10-cv-03360-RWT)
(8:13-cv-01023-RWT)
(8:15-cv-01568-RWT)
(8:15-cv-02404-RWT)
(8:15-cv-03531-RWT)
(8:15-cv-03836-RWT)
(8:15-cv-04020-RWT)
(8:16-cv-02880-RWT)

In re: KBR, INC., Burn Pit Litigation

ALAN METZGAR, RWT 09-744; PAUL PARKER, and all others similarly situated: RWT 09-744; JOSHUA ELLER, RWT 09-2748; JOANNE OCHS, RWT 09-2747; MELISSA OCHS, RWT 09-2747; JAMES MORGAN, RWT 09-2747; DAVID NEWTON, RWT 09-2747; CHRIS BOGGIANO, RWT 09-2747; EARL CHAVIS, RWT 09-2747; BENNY LYLE REYNOLDS, RWT 09-2747; ALBERT PAUL BITTEL, III, RWT 09-2745; MICHAEL DOUGLAS MOORE, and all others similarly situated: RWT 09-2742; DAVID U. LACKEY, RWT 09-2743; RANDALL L. ROBINSON, and all others similarly situated: RWT 09-2743; MICHAEL AUW, and all others similarly situated: RWT 09-2741; CORY CASALEGNO, and all others similarly situated: RWT 09-2741; RICHARD RONALD GUILMETTE, and all others similarly situated: RWT 09-2739; WILLIAM G. BRISTER, JR., and all others similarly situated: RWT 09-2740; HENRY J. O'NEILL, and all others similarly situated: RWT 09-2740; SMSGT GLEN S. MASSMAN, and all others similarly situated: RWT 09-2750; SSGT WENDY L. MCBREAIRTY, and all others similarly situated: RWT 09-2750; DEAN GUY OLSON, and all others similarly situated: RWT 09-2744; ROBERT CAIN, RWT 09-2749; CRAIG HENRY, RWT 09-2749; FRANCIS JAEGER, RWT 09-2749; DAVID MCMENOMY, RWT 09-2749; MARK POSZ, RWT 09-2749; EL KEVIN SAR, and all others similarly situated: RWT 09-2749; MAURICE CALLUE, RWT 09-2980; DENNIS WAYNE BRIGGS, RWT 09-2980; EDWARD LEE BUQUO, RWT 09-2980; WAYNE E. FABOZZI, RWT 09-2980; SHARLENE S. JAGGERNAUTH, RWT 09-2980; FLOYD JAMES JOHNSON, SR., RWT 09-2980; TAMRA C. JOHNSON, RWT 09-2980; RICHARD LEE KEITH, RWT 09-2980; DANIEL SANTIAGO MORALES, RWT 09-2980; PHILLIP MCQUILLAN, RWT 09-2980; ILDEBRANDO PEREZ, RWT 09-2980; LUIGI ANTONIO PROVENZA, RWT 09-2980; RUTH ANN REECE, RWT 09-2980; EDUARDO SAAVEDRA, SR., RWT 09-2980; JILL R. WILKINS, personal representative of Kevin E. Wilkins, deceased: RWT 09-2980; MICHAEL DONNELL WILLIAMS, RWT 09-2980; JERMAINE LYNELL WRIGHT, and all others similarly situated: RWT 09-2980; BENJAMIN BOEKE, RWT 09-2984; CRAIG KERVIN, RWT 09-2984; BARRY ZABIELINSKI, RWT 09-2984; PABLO BERCHINI, RWT 09-2979; BRIAN P. ROBINSON, RWT 09-2979; DAVID GREEN, RWT 09-2985; NICK DANIEL HEISLER, RWT 09-2985; JOHN DOE, sued as John and Jane Does 1-1000 and all others similarly situated: RWT 09-2985; JOHN A. WESTER, JR., RWT 09-2987; EDWARD ADAMS, personally and as a class representative for all others similarly situated: RWT 09-2981; KENNETH BALDWIN, personally and as a class representative for all

others similarly situated: RWT 09-2981; DONNA WU, personally and as a class representative for all others similarly situated: RWT 09-2981; JOHN DOES 1-1000, RWT 09-2981; JANE DOES 1-1000, RWT 09-2981; KENNETH PAUL ROBBINS, RWT 09-2983; BRIAN BLUMLINE, RWT 09-2983; ROBERT BIDINGER, RWT 09-2983; UNKNOWN PARTIES, named as "all others similarly situated": RWT 09-2983; DERROL A. TURNER, RWT 09-2986; VINCENT C. MOSELEY, RWT 09-2986; ALEX HARLEY, and all others similarly situated: RWT 09-2986; FRED ROBERT ATKINSON, JR., RWT 09-2746; ROBYN SACHS, personal representative of Christopher Sachs, deceased: RWT 09-2746; JENNIFER MONTIJO, RWT 09-2746; STEPHEN FLOWERS, and all others similarly situated: RWT 09-2746; WALLACE MCNABB, and all others similarly situated: RWT 09-2982; PATRICK CASSIDY, and all others similarly situated: RWT 09-3309; WILLIAM BARRY DUTTON, and all others similarly situated: RWT 09-3309; CHRISTOPHER MICHAEL KOZEL, and all others similarly situated: RWT 09-3309; CHARLES HICKS, RWT 09-3305; SEAN ALEXANDER STOUGH, and all others similarly situated: RWT 09-3305; BILL JACK CARLISLE, JR., and all others similarly situated: RWT 09-3299; ANTHONY EDWARD ROLES, and all others similarly situated: RWT 09-3299; DANNY LAPIERRE, Individually and all others similarly situated: RWT 09-2083; ANTHONY RAY JOHNSON, RWT 09-3313; DAVID MICHAEL ROHMFELD, RWT 09-3313; RICHARD MCANDREW, RWT 09-3310; LORENZO PEREZ, and all others similarly situated: RWT 09-3310; THOMAS KELLECK, RWT 09-3304; DAN BOWLDS, RWT 09-3304; TONY ALLEN GOUCKENOUR, RWT 09-3304; JOHN WILLIAM JACKSON, RWT 09-3304; JOHN PETE TROOST, RWT 09-3304; DEBORAH ANN WHELOCK, and all others similarly situated: RWT 09-3304; GEORGE LUNDY, RWT 09-3303; EUNICE RAMIREZ, and all others similarly situated: RWT 09-3301; MARCOS BARRANCO, RWT 09-3300; JOEL LUGO, RWT 09-3300; SHAWN THOMAS SHERIDAN, RWT 09-3300; JAYSON WILLIAMS, and all others similarly situated: RWT 09-3300; HEINZ ALEX DISCH, RWT 09-3312; JAMES MCCOLLEM, RWT 09-3312; TRAVIS FIDELL PUGH, RWT 09-3312; THOMAS OLSON, RWT 09-3315; BRIAN PAULUS, RWT 09-3315; PAUL MICHAEL WIATR, and all others similarly situated: RWT 09-3315; LEE WARREN JELLISON, JR., RWT 09-3302; JESSEY JOSEPH PHILIP BACA, RWT 09-3311; DANIEL TIJERNIA, and all others similarly situated: RWT 09-3311; JOSHUA DAVID BEAVERS, RWT 09-3314; JOHN AND JANE DOES 1-1000, RWT 09-3308; MATTHEW JOEL FIELDS, RWT 09-3314; MICHAEL FOTH, and all others similarly situated: RWT 09-3316; STEVEN E. GARDNER, RWT 09-3314; KENNETH HARRIS, RWT 09-3308; STEPHEN R. JONES, RWT 09-3314; BRETT ANTHONY MAZZARA, and all others similarly situated: RWT 09-3316; KEVIN SCOTT TEWES, RWT 09-3314; KATHY VINES, RWT 09-3308; ANTHONY JEROME WILLIAMS, RWT 09-

3308; HANS NICOLAS YU, RWT 09-3314; JEFFREY MORGAN COX, and all others similarly situated: RWT 09-3306; JAMES WARREN GARLAND, and all others similarly situated: RWT 09-3306; PETER BLUMER, and all others similarly situated: RWT 10-389; SCOTT ANDREW CHAMBERLAIN, and all others similarly situated: RWT 10-389; TIMOTHY E. DIMON, and all others similarly situated: RWT 10-389; WILLIAM PHILIP KRAWCZYK, SR., and all others similarly situated: RWT 10-389; SEAN JOHNSON, and all others similarly situated: RWT 10-390; DAVID ROUNDS, Personal representative of Andrew Ray Rounds, deceased: RWT 10-388; LISA ROUNDS, Personal representative of Andrew Ray Rounds, deceased: RWT 10-388; ALBERT JOHNSON, JR., RWT 10-815; GENE BISHOP, RWT 10-814; PATRICK BISHOP, RWT 10-814; SHERRY BISHOP, Individually and as representative of the estate of Kirk A. Bishop: RWT 10-814; GENE MATSON; GENE LEONARD MATSON; TIMOTHY J. WATSON, RWT 10-1160; DAVID JOBES, RWT 10-836; BETH OSHIRO BURTON, RWT 10-3360; MICHELLE BROWN, RWT 11-336; JONATHAN LYNN, RWT 11-336; ANDREW MASON, RWT 11-336; CHARLES KINNEY, RWT 11-337; MICHAEL MCCLAIN, RWT 11-338; BASIL SALEM, RWT 11-1092; JUSTIN GONZALES, RWT 11-2634; MATTHEW GUTHERY, RWT 11-2635; CHRISTOPHER LIPPARD, RWT 11-2635; DAVID PARR, RWT 11-3292; JOHN FINBAR MONAHAN, RWT 11-3542; AMANDA BRANNON, RWT 12-3070; L. CHANDLER BRANNON, RWT 12-3070; ELIYAHU ARSHADNIA, RWT 13-1023, individually and on behalf of the marital community with Simcha Arshadnia; SIMCHA ARSHADNIA, RWT 13-1023, individually and on behalf of the marital community with Eliyahu Arshadnia; WILLIAM SIMMONS, RWT 13-1023, an individual; DAWN LUCIA, RWT 13-1023, individually and on behalf of the Estate of Joseph Lucia, deceased; DANIEL MEYER, RWT 13-1023, individually and on behalf of the marital community with Harmonie Meyer; HARMONIE MEYER, RWT 13-1023, individually and on behalf of the marital community with Daniel Meyer; JOSE BURGOS, RWT 13-1023, individually and on behalf of the marital community with Bethany Burgos; BETHANY BURGOS, RWT 13-1023, individually and on behalf of the marital community with Jose Burgos; STEPHEN HOPPER, RWT 13-1023, an individual; STEVEN C. SNEE, RWT 15-1568; VINCENT MOLINO, RWT 15-1568; LARRY ENGLE, RWT 15-1568; RAYMOND CRUZ, RWT 15-1568; ANTONIO CLARK, RWT 15-1568; JAMES KNOUSE, JR., RWT 15-1568; LESLIE SCOTT, RWT 15-1568; SCOTT HURT, RWT 15-1568; 176-459 JAMES JACKSON, RWT 15-1568; JEFFREY DURHAM, RWT 15-1568; WILLIAM AUSTIN DANIEL, RWT 15-1568, deceased; JOSEPH COLLINS, RWT 15-1568; RACHEL GUTIERREZ, RWT 15-1568; BRANDON SHOEMAKE, RWT 15-1568; STACIE MOSER, RWT 15-1568; ALBERT ROBERTS, RWT 15-1568; JEFFREY WILKINS, RWT 15-1568; WILLIAM EATON, RWT 15-1568; TODD GRIMES, RWT 15-1568; GARY

MORRIS, RWT 15-1568; MICHAEL GENAW, RWT 15-1568; JOSHUA KEPPLER, RWT 15-1568; WILLIS ROWE; JUSTIN ACOSTA, RWT 15-3836; TRAVIS ADAMS, RWT 15-3836; LEON J. ALEXANDER, RWT 15-3836; MICHAEL DEVINCENT AMICY, RWT 15-3836; THOMAS ANDERSEN, RWT 15-3836; PATTI J. ANDERSON, RWT 15-3836; PHILLIP A. ANDERSON, RWT 15-3836; DOMINICK THOMAS ANDREWS, RWT 15-3836; JULIO A. APODACA, RWT 15-3836; ROSE MARIE APPLEWHITE, RWT 15-3836; FRANCISCO ARAQUE, RWT 15-3836; ANTHONY L. ARRINGTON, RWT 15-3836; TRACY L. ASHER, RWT 15-3836; MATTHEW K. ASHWORTH, RWT 15-3836; RYAN L. ATTAR, RWT 15-3836; DUSTIN JEFFREY AUER, RWT 15-3836; EVERETTE D. AVERY, JR., RWT 15-3836; JOHN ALAN BACON, RWT 15-3836; SCOTT D. BAILEY, RWT 15-3836; JESSE BAKER, RWT 15-3836; LARRY BAKER, RWT 15-3836; STEVEN LEROY BAKKEN, RWT 15-3836; MICHAEL DANIEL BANKS, RWT 15-3836; ANGELA VANETTE BARNES, RWT 15-3836; CHARLES J. BARNES, RWT 15-3836; JULIE BARON-MANNIX, RWT 15-3836; TRAVIS M. BASSETT, RWT 15-3836; JAMES R. BATES, RWT 15-3836; JERICHO N. BEAUCHAMP, RWT 15-3836; CRAIG BELANGER, RWT 15-3836; JUDY-ANN BELLEFLEUR, RWT 15-3836; REGINALD J. BELTON, RWT 15-3836; BRANDI L. BENSON, RWT 15-3836; THEODORE J. BILL, RWT 15-3836; JASON R. BILLS, RWT 15-3836; JOHNNIE F. BINES, RWT 15-3836; DENNIS A. BLANCHARD, RWT 15-3836; CLINT ALLEN BLANKENSHIP, RWT 15-3836; ANDREW MICHAEL BOOTH, RWT 15-3836; BRIAN K. BOWER, RWT 15-3836; ANDREW DOULGAS BOWERS, SR., RWT 15-3836; WILLIE ANTONIO BOYKIN, SR., RWT 15-3836; FRANK EARL BRAXTON, RWT 15-3836; ALAN K. BRIDGEWATER, RWT 15-3836; BRANDY E. BROADBENT, RWT 15-3836; RACHAEL BROWN, RWT 15-3836; DAVID F. BRYDEN, RWT 15-3836; DENNIS H. BUDD, RWT 15-3836; ERIK J. BURCH, RWT 15-3836; KENON L. BURNS, RWT 15-3836; THOMAS W. BURNS, RWT 15-3836; TEE JAY BURR, RWT 15-3836; ROBERT P. BUSSE, RWT 15-3836; MICHAEL L. CALDWELL, RWT 15-3836; WILLIAM G. CARDWELL, RWT 15-3836; JOHN ERNEST CARLSON, RWT 15-3836; JASON L. CARMEN, RWT 15-3836; MICHAEL W. CARR, RWT 15-3836; ROBIN A. CARR, RWT 15-3836; ANDREA M. CASTON, RWT 15-3836; FREDDIE E. CAVAZOS, JR., RWT 15-3836; RICHARD D. CELIA, RWT 15-3836; BLAIN L. CHAMBERS, RWT 15-3836; BRUCE R. CHAPLIN, RWT 15-3836; DANIEL C. CHAVEZ, SR., RWT 15-3836; LEONARD RAY CHEEK, RWT 15-3836; GWEN COLLEEN CHIARAMONTE, RWT 15-3836; BLAINE S. CHILD, RWT 15-3836; KENNETH ROGER CHRISTENSEN, SR., RWT 15-3836; SCOTT ALLAN CHRISTIE, RWT 15-3836; MARC J. CHUBBUCK, SR., RWT 15-3836; RICHARD CHARLES CHUMBLEY, JR., RWT 15-3836; JEFFREY S.

CHURCH, RWT 15-3836; DERRICK D. CLARK, RWT 15-3836; RICHARD MICHAEL CLEMES, RWT 15-3836; RYAN V. COLLAMORE, RWT 15-3836; CONNIE G. CONLEY, RWT 15-3836; ANDREW E. COUSSENS, RWT 15-3836; KATHLEEN S. COY, RWT 15-3836; CHARLES DONALD CRABBE, JR., RWT 15-3836; MICHAEL A. CRANFILL, RWT 15-3836; PERRY A. CROSS, JR., RWT 15-3836; CRAIG J. DANIEL, RWT 15-3836; ROWENA L. DARVIN, RWT 15-3836; JESSE N. DAVIDSON, RWT 15-3836; BRITTANY J. DAVIS, RWT 15-3836; DANIEL LEE DAVIS, RWT 15-3836; MALONE W. DAVIS, RWT 15-3836; RYAN MARTIN DELONG, RWT 15-3836; DAVID BRIAN DELUCA, RWT 15-3836; MICHAEL S. DELBORRELL, RWT 15-3836; JOSEPH EDWARD DEVAL, RWT 15-3836; SHAWN R. DEVANEY, RWT 15-3836; FREDERICK A. DEVONSHIRE, II, RWT 15-3836; MICKY DOTO, RWT 15-3836; JENNIFER L. DOWNES, RWT 15-3836; BRADLEY DOYLE, RWT 15-3836; ROBERT A. DREYFUS, RWT 15-3836; NICHOLAS R. DUDEK, JR., RWT 15-3836; JOHN G. DUERR, RWT 15-3836; BONNIE DUNLOP, RWT 15-3836; BRIAN EARL EASLEY, RWT 15-3836; MICHAEL S. EDDY, RWT 15-3836; THOMAS S. EDWARDS, RWT 15-3836; RONALD EYRL EISMAN, RWT 15-3836; ROBERT CHRISTOPHER ELESKY, RWT 15-3836; JAMES COREY ELLIS, RWT 15-3836; EARNEST J. ELLISON, RWT 15-3836; SCOTT A. ELSENHEIMER, RWT 15-3836; AMANDA J. ENGEN, RWT 15-3836; GARY LEE ENNIS, RWT 15-3836; TREVOR G. ENNIS, RWT 15-3836; CASSANDRA D. EUSERY, RWT 15-3836; TERRY D. EVANS, RWT 15-3836; JUSTIN M. FAIRCLOTH, RWT 15-3836; MICHAEL LEONARD FARLEY, RWT 15-3836; MICHAEL FARMER, RWT 15-3836; JASON D. FARQUHARSON, RWT 15-3836; KENLEY FEAZELL, RWT 15-3836; TIMOTHY DONALD FENDLEY, RWT 15-3836; EDWARD LEO FERGUSON, RWT 15-3836; JOHN DAVID FIELDER, RWT 15-3836; MICHAEL RAY FIELDS, RWT 15-3836; CRAIG D. FILLINGANE, RWT 15-3836; JAMES AUSTIN FISHER, RWT 15-3836; REGINALD FLEMING, JR., RWT 15-3836; DALE FORD, RWT 15-3836; RONALD LEE FRISBY, RWT 15-3836; BRAD L. FRUHLING, RWT 15-3836; JOHN R. FUDALA, RWT 15-3836; TOMMY L. FULLEN, RWT 15-3836; CARRIE C. GALLAGHER, RWT 15-3836; TOM LEE GALLAGHER, RWT 15-3836; ERIC BRADLEY GANN, RWT 15-3836; KAREN M. GHARST, RWT 15-3836, Formerly Gabriele; KARL MALINSKI GIBBS, RWT 15-3836; MICHAEL P. GIBSON, RWT 15-3836; MITCHELL P. GILL, RWT 15-3836; AUDREY DEMON GLENN, RWT 15-3836; SANDI CHRISTINE GOLDEN-VEST, RWT 15-3836; RIGO A. GONZALEZ, RWT 15-3836; LEONARD GOODSON, III, RWT 15-3836; MICHAEL A. GRILEY, JR., RWT 15-3836; MICHAEL A. GROCHOWSKI, RWT 15-3836; MICHAEL W. HAFKE, RWT 15-3836; JARROD C. HALL, RWT 15-3836; JAMAR HAM, RWT 15-3836; BRYAN HAMILTON, RWT 15-3836; RICHARD P. HAMILTON, RWT

15-3836; JIMMY LYNN HAMPTON, RWT 15-3836; DAVID F. HAPPLE, RWT 15-3836; RICHARD ALAN HARDISON, RWT 15-3836; MIKEL HARPER, RWT 15-3836; JASON PAUL HATFIELD, RWT 15-3836; LARRY HAYNES, RWT 15-3836; WILLIAM JAMES HEARD, RWT 15-3836; JOHN L. HENDERSON, RWT 15-3836; WILLIAM MYRON HENDERSON, RWT 15-3836; CHRISTOPHER S. HENRIKSON, RWT 15-3836; ALLISON MARIKO HILL, RWT 15-3836; MARK A. HILL, RWT 15-3836; RICHARD CARL HOGAN, JR., RWT 15-3836; CLYDE RICHARD HOLDER, RWT 15-3836; STEVEN WAYNE HOLLEY, RWT 15-3836; MARCO ALEXANDER HORSEWOOD, RWT 15-3836; JAMES HERSHEL HUDSON, III, RWT 15-3836; AUNDREA M. HUNT, RWT 15-3836; MATTHEW CALVIN HURT, JR., RWT 15-3836; OZANE JACKSON, RWT 15-3836; WANDA N. JACKSON, RWT 15-3836; WADE JACOBSON, RWT 15-3836; ERIC JAEGER, RWT 15-3836; LAWRENCE J. JANKOWSKI, RWT 15-3836; DANIEL MARTIN JASONI, RWT 15-3836; RALPH BENJAMEN JENKINS, RWT 15-3836; ANTERIAN D. JOHNSON, RWT 15-3836; MICHELLE A. JOHNSON, RWT 15-3836; BRANDON CHRISTOPHER JOHNSTON, RWT 15-3836; DAVID ALLEN JONES, II, RWT 15-3836; JULIAN K. JONES, RWT 15-3836; PAUL G. JONES, RWT 15-3836; THOMAS K. JONES, RWT 15-3836; PAUL ANTHONY JONES, RWT 15-3836; SAMI JUMA, RWT 15-3836; STANLEY K. KAINA, JR., RWT 15-3836; KELLY JEAN KARL-FORST, RWT 15-3836; DANIEL R. KEARNEY, RWT 15-3836; BRYAN KEITH KEESE, RWT 15-3836; EDWIN KEITH, SR., RWT 15-3836, (PR); STEPHEN RANDALL KEITH, RWT 15-3836; JAMES ERIC KELLEY, RWT 15-3836; GEORGE KEYS, JR., RWT 15-3836; MICHAEL J. KIDDER, RWT 15-3836; DOULGAS HAMILTON KINARD, JR., RWT 15-3836; JAMES E. KIRK, RWT 15-3836; DAVID W. KIRKLAND, RWT 15-3836; GERALD KENNETH KREIN, RWT 15-3836; ROBIN KRUSKOL, RWT 15-3836; MICHAEL D. KUSEK, RWT 15-3836; SEAN M. LADD, RWT 15-3836; PHILIP LAM, RWT 15-3836; CLIBURN LANE, JR., RWT 15-3836; PIERRE O'DELL LARKIN, RWT 15-3836; BRUCE G. LAUREIRO, RWT 15-3836; THADDEUS R. LAWRENCE, SR., RWT 15-3836; MICHAEL A. LEBLANC, RWT 15-3836; CHRISTINA L. LEE, RWT 15-3836; MICHAEL CHARLES LEE, RWT 15-3836; ROBERT LIPPOLIS, RWT 15-3836; BRIAN KEITH LLOYD, RWT 15-3836; DEMPSEY LOVETT LOGUE, SR., RWT 15-3836; FRANKLIN GERALD LOWE, RWT 15-3836; FRANKLIN GERALD LOWE, RWT 15-3836; MICHAEL LEE LOWE, RWT 15-3836; CHARLES J. LOWERY, RWT 15-3836; JUAN LUGO, RWT 15-3836; MICHAEL L. MADIGAN, RWT 15-3836; DANIEL MAESTAS, RWT 15-3836; WILLIAM MAGEE, RWT 15-3836; JASON B. MARTIN, RWT 15-3836; DONALD EDMUNDO MARTINEZ, RWT 15-3836; OMOWUNMI MARTINS, RWT 15-3836; JON HARDING MASON, RWT 15-3836; RHONDA SUE MATCHETT, RWT 15-3836; MICHAEL LEE

MAYNARD, RWT 15-3836; ALAN AUSTIN MAYS, RWT 15-3836; FREDERICK D. MCCOLLUM, RWT 15-3836; JOHN ALBERT MCDONALD, RWT 15-3836; CORY ORLANDO MCGILL, RWT 15-3836; RAHMAN A. MCKINNON, RWT 15-3836; MURRILL L. MCLEAN, RWT 15-3836; ERIC B. MCLENDON, RWT 15-3836; SHAWN K. MCLEOD, RWT 15-3836; DENNIS E. MCMULLEN, RWT 15-3836; JONATHAN MEDINA, RWT 15-3836; RODNEY W. MEECE, RWT 15-3836; NATHAN T. MEIDL, RWT 15-3836; ALEXANDER MENKES, RWT 15-3836; KEITH R. MENZER, RWT 15-3836; JEFFREY A. MEO, RWT 15-3836; MARY A. MICKENS, RWT 15-3836, (Currently Glass, Mary A.); JAMES CUTHBERT MIDGETT, RWT 15-3836; AMANDA G. MILLER, RWT 15-3836; JAMES EDWARD MILLER, RWT 15-3836; LORI LYNN MITCHELL, RWT 15-3836; WILLIE J. MITCHELL, RWT 15-3836; PATRICK C. MONDRAGON, RWT 15-3836; DAVID A. MONTGOMERY, RWT 15-3836; BRIAN DAVID MURPHY, RWT 15-3836; TIMOTHY M. MURRAY, RWT 15-3836; FAYIZ NALU, RWT 15-3836; CHRISTOPHER LYNN NANNEY, RWT 15-3836; ANDREA MICHELE NEUTZLING, RWT 15-3836; RICHARD J. NICHOLLS, RWT 15-3836; SAMUEL NIEVES, RWT 15-3836; HANNA P. NISSAN, RWT 15-3836; MICHAEL A. NORTHUP, RWT 15-3836; LAURA J. NOWLIN, RWT 15-3836; CHRISTOPHER SEAN NYBERG, RWT 15-3836; PATRICK MICHAEL O'CONNELL, RWT 15-3836; BRENDA M. O'NEAL, RWT 15-3836; ANTHONY BRETT OGDEN, RWT 15-3836; THOMAS K. OLESON, RWT 15-3836; THETA A. OLSON, RWT 15-3836; CARL ORLANDO, RWT 15-3836; CHRISTINE OSORIO, RWT 15-3836; LEWIS PALMER, RWT 15-3836; TIMOTHY STEVEN PARKE, RWT 15-3836; GREGORY D. PARKER, RWT 15-3836; ROBERT WILLIAM PAXTON, RWT 15-3836; MICHELE A. PEARCE, RWT 15-3836; AUDREY S. PERRY, RWT 15-3836; JOSHUA NATHAN PERUSSE, RWT 15-3836; DEBORA J. PFAFF, RWT 15-3836; JODY LEE PIERCY, RWT 15-3836; GREGORY J. PIETZ, RWT 15-3836; JAMES POLLOCK, RWT 15-3836; TAI PORTER, RWT 15-3836; JAMES PRESTON POTTER, JR., RWT 15-3836; LAUREN CAROL PRICE, RWT 15-3836; CEDRIC EUGENE PRICE, SR., RWT 15-3836; CALVIN PRIEST, RWT 15-3836; TANYA QUINCY, RWT 15-3836; VARITA V. QUINCY, RWT 15-3836; ROBERT F. RAMOS, JR., RWT 15-3836; GEORGE RICHARD RAPCIEWICZ, JR., RWT 15-3836; RYAN C. RASMUSSEN, RWT 15-3836; CHAD ROBERT READ, RWT 15-3836; TOMMY R. REDDICK, RWT 15-3836; BRUCE L. REGES, RWT 15-3836; DANIEL R. REYES, RWT 15-3836; MILTON M. REYNOLDS, RWT 15-3836; RICHARD D. RICE, RWT 15-3836; DANIEL EDWARD RICE, JR., RWT 15-3836; STEVEN S. RICHARDSON, RWT 15-3836; PAUL A. RICHMOND, RWT 15-3836; CHARLES RAYMOND RIIPPI, RWT 15-3836; LEONARD RITUMS, RWT 15-3836; VICTOR M. RIVERA, RWT 15-3836; WILLIAM O. ROARK, III, RWT 15-3836; JAMES

ROBIN, RWT 15-3836; DANIEL M. ROBSHAW, RWT 15-3836; WAYNE RODRIGUEZ, RWT 15-3836; JOSE C. ROQUE, RWT 15-3836; ERNEST RICHARD ROTH, RWT 15-3836; CARTER CHARLES RUFF, RWT 15-3836; TERRY SALAZAR, RWT 15-3836; JAMES ROBERT SANDEFUR, RWT 15-3836; JOHNNIE C. SANDERS, JR., RWT 15-3836; CARLOS J. MARTIR SANDOVAL, RWT 15-3836; JEREMEN SANDOVAL, RWT 15-3836; HOBART P. SAUNDERS, RWT 15-3836; DANIEL B. SCHULTZ, RWT 15-3836; ROLAND DAVID SCHULZ, RWT 15-3836; ROLAND PERRY SHARP, RWT 15-3836; CHRISTOPHER R. SIMMONS, RWT 15-3836; MAREK M. SIPKO, RWT 15-3836; GREGORY C. SKYLES, RWT 15-3836; HOWARD LEON SLADE, RWT 15-3836; DAMIAN L. SMITH, RWT 15-3836; DAVID JOHN SMITH, RWT 15-3836; JASON WILLIAM SMITH, RWT 15-3836; KRYSTE SWANZETTA SMITH, RWT 15-3836; RONALD LAYNE SMITH, RWT 15-3836; TRACY LEMAR SMITH, RWT 15-3836; AZARIAH SMITH, JR., RWT 15-3836; FRANKLIN O. SNOW, RWT 15-3836; MICHAEL L. SONGY, RWT 15-3836; KRISTIN SOUTHWELL, RWT 15-3836, formerly Otterstetter; SUZANNE M. SPEIGHT, RWT 15-3836; DAVID P. STAFFA, RWT 15-3836; NAPOLEAN L. STAFFORD, RWT 15-3836; MICHAEL CHRISTOPHER STANCO, RWT 15-3836; EDWIN STEELE, RWT 15-3836; BRYAN L. STEVENS, RWT 15-3836; ANTHONY K. STEWARD, RWT 15-3836; SCOTT H. STRADLEY, RWT 15-3836; SHAWN E. STROUT, RWT 15-3836; CARL THOMAS SULLIVAN, RWT 15-3836; NEAL MARK SUTHERLAND, RWT 15-3836; DAVID M. SWAN, RWT 15-3836; DAVID B. SWANEY, RWT 15-3836; AUBREY DANYELLE TAPLEY, RWT 15-3836; MILAN B. THAKKAR, RWT 15-3836; TROY THOMAS, RWT 15-3836; CHRISTOPHER T. THORNHILL, RWT 15-3836; TYRONE ANTHONY TIMMS, RWT 15-3836; ANTHONY TRINIDAD, RWT 15-3836; MICHAEL ADAM TUMLINSON, RWT 15-3836; RICKY L. TURNER, RWT 15-3836; NATHAN P. TURNOCK, RWT 15-3836; EDWIN TODD TURPIN, RWT 15-3836; ERIK D. UPHAM, RWT 15-3836; STEPHENY GUPTON, RWT 15-3836, (PR); PAUL R. VADNEY, RWT 15-3836; DANIEL E. VALENTINE, RWT 15-3836; SIMON ALLEN WADE, RWT 15-3836; ROBERT WAGENAAR, RWT 15-3836; RICKEY TREYMANE WAITERS, RWT 15-3836; ERVIN L. WALKER, RWT 15-3836; TEDDRIC O'NEAL WALKER, RWT 15-3836; ALBERTO JOSEPH WALRATH, RWT 15-3836; JULIO PIPINO WALTON, RWT 15-3836; GORDON ALLEN WARD, RWT 15-3836; ERIC G. WATERS, SR., RWT 15-3836; TIMOTHY J. WATSON, RWT 15-3836; GEORGE L. WATSON, III, RWT 15-3836; EDWARD B. WEIBL, RWT 15-3836; KOLE WELSH, RWT 15-3836; WILLIAM WESTLEY WESTBURG, JR., RWT 15-3836; DAVID B. WHALING, RWT 15-3836; JACOB WHETSTONE, RWT 15-3836; KATRINA LEANN WHITE, RWT 15-3836, Formerly Hightower; WILLIAM EMMETT WHITE, RWT 15-3836; ARTHUR

WHITESIDE, RWT 15-3836; CLARENCE WILLIAM WICKHAM, RWT 15-3836; BELINDA M. WILLIAMS, RWT 15-3836; ROBERT L. WILLIAMS; TONY WILLIAMS, RWT 15-3836; ANTOINE LAVANTA WILLIAMS, SR., RWT 15-3836; JIMMY DWAYNE WILLIAMS, RWT 15-3836; KORI L. WILLIS, RWT 15-3836; RENE L. WILSON, RWT 15-3836; RONNAL WOMACK, RWT 15-3836; KEVIN L. WOODRUM, RWT 15-3836; DONALD P. WORRELL, RWT 15-3836; TONY L. WRIGHT, SR., RWT 15-3836; CLIFFORD YARDBROUGH, RWT 15-3836; SHAMERAN YOUKHANA, RWT 15-3836; RAPHAEL A. ZAMORA, RWT 15-3836; STEVEN C. ZIMMERMAN, RWT 15-3836; MICHAEL E. ZUNDLE, RWT 15-3836; TERRY ENNIS ADKINS, RWT 15-4020; ISSAC AGUILAR, RWT 15-4020; FRANCISCO EMILIO ALEXANDER, JR., RWT 15-4020; MEGHAN ARTEMIS O'CONAN, RWT 15-4020; SEVIM AYBULUT, RWT 15-4020; LORIN GENE BANNERMAN, RWT 15-4020; GREGORY O. BARNES, RWT 15-4020; ADAM M. BARTON, RWT 15-4020; CLAUDE N. BENSON, RWT 15-4020; BARRY J. BIEGO, RWT 15-4020; EDWARD LEE BRANCH, RWT 15-4020; YUSVF KENYATTA BRANTLEY, SR., RWT 15-4020; ALBERT BRIDGEMAN, RWT 15-4020; CASSANDRA BRUSHWOOD, RWT 15-4020; DESHUNNON CANNADY, RWT 15-4020; CLAUDIA CASTILLO, RWT 15-4020; JAMES RAY CHANDLER, III, RWT 15-4020; RICHARD COREY, RWT 15-4020; STEVE CROWSTON, RWT 15-4020; DAVID B. DA SILVA, SR., RWT 15-4020; CHARLES RAY DANIELS, RWT 15-4020; RYAN DEWITT TAYLOR, RWT 15-4020; WILLIAM J. DEVITO, RWT 15-4020; ENRIQUE DIAZ, RWT 15-4020; FRANK DOMEAUX, RWT 15-4020; MICHAEL R. DRUMMOND, JR., RWT 15-4020; TERRY W. EDGERTON, RWT 15-4020; JEFF EDWARDS, RWT 15-4020; MAURO CESAR FAZ, RWT 15-4020; NATHANIEL L. FLOYD, JR., RWT 15-4020; KENNETH NEIL FRANCIS, RWT 15-4020; RANDY R. GARCIA, RWT 15-4020; DANIEL R. GETTRIDGE, III, RWT 15-4020; MARK THOMAS GILBERT, RWT 15-4020; TAEISHA L.. GLENN, RWT 15-4020; MICHAEL P. GREENBURG, RWT 15-4020; DARYL GRIFFIN, RWT 15-4020; JONATHAN T. HALL, RWT 15-4020; KENNETH HALL-MAY, RWT 15-4020; MARLIN BRETT HALSTEAD, RWT 15-4020; JASON HAMMAN, RWT 15-4020; ROBERT WAYNE HARDY, JR., RWT 15-4020; THOMAS WILLIAM HEPPLER, RWT 15-4020; AUSTIN L. HILL, RWT 15-4020; ARTHUR L. HILLARD, RWT 15-4020; JONATHAN M. HINCKLEY, RWT 15-4020; ROBERT HOLDING, RWT 15-4020; ZACHARY RYAN HOLMES, RWT 15-4020; MESHELL TEE HORTON, RWT 15-4020; BRADLEY W. HUDSON, RWT 15-4020; WILLIAM M. HUDSON, RWT 15-4020; TODD LEE HUNKINS, RWT 15-4020; KIMBERLY HUNTER-PREWITT, RWT 15-4020; TIMOTHY P. HURLEY, RWT 15-4020; ROBERT E. JACKSON, JR., RWT 15-4020; CODY CARLTON JENNINGS, RWT 15-4020; JUNUOR AUGUSTUS JOHN, RWT 15-

4020; CHARONDA LEVONNE JOHNSON, RWT 15-4020; NATHANIEL JOYNER, III, RWT 15-4020; SCOTT T. KAMM, RWT 15-4020; DOUGLAS L. KELLY, RWT 15-4020; PAUL J. KITTLE, JR., RWT 15-4020; AARON WAYNE KLETZING, RWT 15-4020; MORROW S. KRUM, JR., RWT 15-4020; KENNETH D. KUYKENDALL, RWT 15-4020; ROGER A. LANKFORD, RWT 15-4020; JAMES NOLAN LAW, JR., RWT 15-4020; HOWARD DEWITT LINSON, RWT 15-4020; MICHAEL D. LOPEZ, RWT 15-4020; TODD JASON MARLETT, RWT 15-4020; ELSA E. MARTINEZ, RWT 15-4020; GARY MASON, II, RWT 15-4020; JALMER A. MATEOLOPEZ, RWT 15-4020; DAN PATRICK MCDONOUGH, JR., RWT 15-4020; FREDRICK MCGEE, RWT 15-4020; JAMES R. MCPHERSON, RWT 15-4020; CLARENCE L. MCQUEEN, JR., RWT 15-4020; RYAN T. MCQUILLIAN, RWT 15-4020; EDWARD E. MELVIN, JR., RWT 15-4020; SCOTT DAVID MIRODDI, RWT 15-4020; FRANCIS D. MOLLARD, III, RWT 15-4020; ANTHONY MOORE, RWT 15-4020; BRIAN EDWARD MOORE, RWT 15-4020; RONNIE DEWAYNE NANTZ, RWT 15-4020; SEAN M. NELSON, RWT 15-4020; ERIC JEVON NICHOLS, RWT 15-4020; MARKUS LAMONT NORTHINGTON, RWT 15-4020; DAWN O'NEAL, RWT 15-4020; JOSE S. OCHOA, III, RWT 15-4020; JAN ERIK OHRSTROM, RWT 15-4020; LEROY ONTIBEROS, RWT 15-4020; LEROY WAYNE OSBORNE, RWT 15-4020; PHILLIP W. OSSOWSKI, RWT 15-4020; JONATHAN M. OWENS, RWT 15-4020; MATTHEW A. PADGETT, RWT 15-4020; CHARLES W. PAK, RWT 15-4020; BLU J. PANNHOFF, RWT 15-4020; WESLEY DEWAYNE PARKER, RWT 15-4020; VERNON PATTON, RWT 15-4020; MICHAEL A. PAYNE, RWT 15-4020; ZACHARY A. PAYNE, RWT 15-4020; SCOTT PENNINGTON, RWT 15-4020; MATTHEW E. PERETZ, RWT 15-4020; ALBERT GORDON PLUMLEE, JR., RWT 15-4020; CHARLOTTE RENEE PORCH, RWT 15-4020; AARON M. PRICE, RWT 15-4020; DANIEL RAULT, RWT 15-4020; VALIANT L. REA, RWT 15-4020; CHRISTOPHER R. REED, RWT 15-4020; MATTHEW RIDDLE, RWT 15-4020; DESHAUN A. RINGWOOD, RWT 15-4020; BRYCE W. RODGERS, RWT 15-4020; WILLIAM ROESSLING, RWT 15-4020; WILLIAM MICHAEL ROSE, JR., RWT 15-4020; JOE SANCHEZ, SR., RWT 15-4020; GABRIEL SCOTT, JR., RWT 15-4020; TIMOTHY E. SHEETS, RWT 15-4020; RALPH CALVIN SIEG, RWT 15-4020; KENNETH FRANCIS SLACH, RWT 15-4020; WILLIAM SMITH, RWT 15-4020; CRAIG S. SOTEBEER, RWT 15-4020; JONATHAN R. SPURKOSKY, RWT 15-4020; JAY D. STARR, RWT 15-4020; JOSH L. STEININGER, RWT 15-4020; TREVOR B. TAYLOR, RWT 15-4020; JEREMY E. TELLEZ, RWT 15-4020; DAVID J. TEXADA, RWT 15-4020; RODNEY J. THURMAN, RWT 15-4020; BRIAN P. TOLBERT, RWT 15-4020; LEROY TORRES, RWT 15-4020; DAVID TRAN, RWT 15-4020; JOSE J. TREJO, RWT 15-4020; ROSARIO TROTSKY, RWT 15-4020; JASON S. VEST, RWT 15-4020;

RENEE E. VILLEGAS, RWT 15-4020; ROBERT L. WILLIAMS, JR., RWT 15-4020; RODERICK W. WALKER, RWT 15-4020; THOMAS J. WASHINGTON, JR., RWT 15-4020; MARK H. WELLS, RWT 15-4020; CARL DEAN WILEY, RWT 15-4020; DR. CAROLINE WILLIAMS, RWT 15-4020; JAMES R. YORK, RWT 15-4020; STEVEN J. ZALETEL, SR., RWT 15-4020; ROBERT D. ZIEGELMAIR, RWT 15-4020; LAURA JONES; KEITH JONES; JAMES W. SAVINO, III; JULIA SAVINO; TERRANCE SORDAHL; JONATHAN COOK, RWT 16-2880; DAVID MONTOYA, RWT 15-2404; JEFF BALDUINI, RWT 15-3531; MICHAEL HARTMAN, RWT 15-3531; BRETT NUTTER, RWT 15-3531; WILLIAM VANCE, RWT 15-3531

Plaintiffs - Appellants

v.

KBR, INC.; KELLOGG BROWN & ROOT, LLC; HALLIBURTON COMPANY; KELLOGG BROWN & ROOT SERVICES, INC.; BROWN AND ROOT SERVICES; DII INDUSTRIES, LLC; HALLIBURTON ENERGY SERVICES, INC.; KBR HOLDINGS, LLC; KELLOGG BROWN & ROOT, INC.; KELLOGG BROWN & ROOT INTERNATIONAL, INC.; KBR GROUP HOLDINGS, LLC; KBR TECHNICAL SERVICES, INC.

Defendants - Appellees

and

ERKA LTD

Defendant

PROFESSIONAL SERVICES COUNCIL; NATIONAL DEFENSE INDUSTRIAL ASSOCIATION

Amici Supporting Appellees

ORDER

The petition for rehearing en banc was circulated to the full court. No judge requested a poll under Fed. R. App. P. 35. The court denies the petition for rehearing en banc.

For the Court

/s/ Patricia S. Connor, Clerk