

# MANDATE

00cv2258(TCP)

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
★ SEP 24 2009 ★

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 22nd day of September, two thousand and nine,

**LONG ISLAND OFFICE**

Present:

Dennis Jacobs,  
*Chief Judge*  
Richard C. Wesley,  
Peter W. Hall,  
*Circuit Judges.*

UNITED STATES COURT OF APPEALS  
FILED  
SEP 22 2009  
Catherine O'Hagan Wolfe, CLERK  
SECOND CIRCUIT

Docket No. 09-3716-cv

In Re: MetLife Demutualization Litigation

Upon consideration of the order of the United States District Court for the Eastern District of New York dated September 1, 2009, disqualifying Debevoise & Plimpton from representing defendant MetLife, that order is REVERSED. An opinion will follow. The mandate shall issue forthwith.

It is further ORDERED: with respect to this Court's stay issued September 3, 2009, barring the District Court from discharging the jury pool that was summonsed for duty in this case in August 2009, that stay shall remain in effect until such time as the parties appear before the District Court and argue regarding, *inter alia*, whether the jury pool, or any portion thereof, which the parties have already spent significant time and effort screening, should be discharged and replaced by a new pool of jurors yet to be summonsed. After such arguments, if any, have been made at a hearing or after the parties have indicated to the District Court that they waive such hearing and/or arguments, and without further order of this Court, the stay shall be lifted, and the District Court may then issue its decision and order with respect to whether to discharge the current jury pool or any portion thereof.

FOR THE COURT:  
Catherine O'Hagan Wolfe, Clerk

by: Joy Fallick  
Joy Fallick, Administrative Attorney

A TRUE COPY  
Catherine O'Hagan Wolfe, Clerk

by: [Signature]  
DEPUTY CLERK

SEP 22 2009

ISSUED AS MANDATE: