

THE STATE OF LOUISIANA,  
WILLIAM KIMBALL,  
H.M. KIMBALL, JR., AND  
ELIZABETH KIMBALL LEWIS,  
INDIVIDUALLY AND AS  
REPRESENTATIVES OF A  
CLASS OF THOSE SIMILARLY  
SITUATED

NUMBER 2003 CA 1264

COURT OF APPEAL

FIRST CIRCUIT

VERSUS

SPRINT COMMUNICATIONS  
COMPANY, L.P., ET AL.

STATE OF LOUISIANA

CONSOLIDATED WITH

THE STATE OF LOUISIANA,  
AND XCL, LTD., ET AL.,  
INDIVIDUALLY AND AS  
REPRESENTATIVES OF A  
CLASS OF THOSE SIMILARLY  
SITUATED

NUMBER 2003 CA 1265

COURT OF APPEAL

FIRST CIRCUIT

VERSUS

WILTEL, INC., ET AL.

STATE OF LOUISIANA

ON REHEARING

Rendered: APR 06 2005

BEFORE: CARTER, C.J., PARRO, GUIDRY, PETTIGREW, AND  
GAIDRY, JJ.

PER CURIAM.

We granted rehearing to allow the parties an opportunity to further address the adequacy of the notice given to potential settlement class members, particularly regarding information of MWNS's lack of participation in the settlement and the related informed choice of potential class members to participate in or opt out of the settlement.

After careful consideration, we adhere to the result reached in our original opinion for the reasons originally assigned. All costs of this application for rehearing are assessed against defendants/appellees, Sprint Communications Company, L.P., et al.

*Pettigrew, J. dissent by BJC  
Gaidry, J. dissent by BJC  
Guidry, J. CONCUR.*

*? H Pky  
BJC*