

DEC 19 2011

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U.S. COURT OF APPEALS

FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RETIREED EMPLOYEES ASSOCIATION
OF ORANGE COUNTY, INC.,

Plaintiff - Appellant,

v.

COUNTY OF ORANGE,

Defendant - Appellee.

No. 09-56026

D.C. No. 8:07-cv-01301-AG-MLG
Central District of California,
Santa Ana

ORDER

Appeal from the United States District Court
for the Central District of California
Andrew J. Guilford, District Judge, Presiding

Argued and Submitted June 10, 2010
Pasadena, California
Submission withdrawn June 29, 2010
Resubmitted December 16, 2011

Before: TROTT and W. FLETCHER, Circuit Judges, and MAHAN,
District Judge.*

PER CURIAM

* The Honorable James C. Mahan, District Judge for the U.S. District Court for Nevada, sitting by designation.

This court has now received an answer from the California Supreme Court to the question certified to that court. *See Retired Employees Assoc. of Orange County v. County of Orange*, 52 Cal.4th 1171 (2011). We remand this case to the district court for further proceedings consistent with the answer provided by the California Supreme Court.

In light of the nature of the dispute in this case, and in light of the delay that has already taken place, we encourage the district court to act promptly. In the event of another appeal, this panel will retain jurisdiction and will give scheduling priority to the appeal.

So ordered.

REMANDED.

COUNSEL

Michael P. Brown, Moscone, Emblidge & Quadra, LLP, San Francisco, California,
for the Plaintiff-Appellant.

Arthur Anthony Hartinger, Meyers, Nave, Riback, Silver & Wilson, Oakland,
California, for the Defendant-Appellee.