

**FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

SAM FRANCIS FOUNDATION; ESTATE  
OF ROBERT GRAHAM; CHUCK  
CLOSE; LADDIE JOHN DILL,  
*Plaintiffs-Appellants,*

v.

CHRISTIE'S, INC., a New York  
corporation,  
*Defendant-Appellee.*

No. 12-56067

D.C. No.  
2:11-cv-08605-  
MWF-FFM

SAM FRANCIS FOUNDATION; ESTATE  
OF ROBERT GRAHAM; CHUCK  
CLOSE; LADDIE JOHN DILL,  
*Plaintiffs-Appellants,*

v.

EBAY, INC., a Delaware corporation,  
*Defendant-Appellee.*

No. 12-56068

D.C. No.  
2:11-cv-08622-  
MWF-PLA

ESTATE OF ROBERT GRAHAM;  
CHUCK CLOSE; LADDIE JOHN DILL,  
individually and on behalf of all  
others similarly situated,  
*Plaintiffs-Appellants,*

v.

SOTHEBY'S, INC., a New York  
corporation,  
*Defendant-Appellee.*

No. 12-56077

D.C. No.  
2:11-cv-08604-  
MWF-FFM

ORDER

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Filed October 30, 2014

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**ORDER**

THOMAS, Circuit Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Federal Rule of Appellate Procedure 35(a) and Circuit Rule 35-3.

Judges Wardlaw and Nguyen did not participate in the deliberations or vote in this case.