

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JOSEPH OLSON, MONICA OLSON, JAVIER VARGAS, <i>Plaintiffs-Appellants,</i> v. UNITED STATES OF AMERICA, <i>Defendant-Appellee.</i>

No. 03-15141
D.C. Nos.
CV-01-00663-WDB
CV-02-00323-WDB
ORDER

On Remand From
The United States Supreme Court

Filed January 6, 2006

Before: Betty B. Fletcher and Stephen Reinhardt,
Circuit Judges, and Jane A. Restani,* Chief Judge,
United States Court of International Trade.

COUNSEL

Thomas G. Cotter, Haralson, Miller, Pitt, Feldman & McAnally, P.L.C., for the plaintiffs-appellants.

Peter D. Keisler, Mark B. Stern, and Dana J. Martin, Civil Division, Department of Justice, and Paul K. Charlton, United States Attorney, for the defendant-appellee.

*The Honorable Jane A. Restani, Chief Judge, United States Court of International Trade, sitting by designation.

ORDER

This case is remanded to the district court for further proceedings consistent with the decision of the United States Supreme Court in *United States v. Olson*, 126 S. Ct. 510 (2005). The plaintiffs-appellants shall be allowed to conduct discovery on whether the United States can be held liable under the Federal Tort Claims Act pursuant to a “private persons” analogy.

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