

FOR PUBLICATION

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

BETTY DUKES; PATRICIA SURGESON;  
CLEO PAGE; DEBORAH GUNTER;  
KAREN WILLIAMSON; CHRISTINE  
KWAPNOSKI; EDITH ARANA,  
*Plaintiffs-Appellees,*  
v.  
WAL-MART, INC.,  
*Defendant-Appellant.*

No. 04-16688  
D.C. No.  
CV-01-02252-MJJ

BETTY DUKES; PATRICIA SURGESON;  
CLEO PAGE; DEBORAH GUNTER;  
KAREN WILLIAMSON; CHRISTINE  
KWAPNOSKI; EDITH ARANA,  
*Plaintiffs-Appellants,*  
v.  
WAL-MART, INC.,  
*Defendant-Appellee.*

No. 04-16720  
D.C. No.  
CV-01-02252-MJJ  
ORDER

Filed February 13, 2009

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**ORDER**

KOZINSKI, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit.

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Judges McKeown, Rawlinson and Bybee did not participate in the deliberations or vote in this case.



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