

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

<p>NOLL GARCIA, <i>Plaintiff-Appellant,</i></p> <p>STATE FARM FIRE AND CASUALTY COMPANY, <i>Intervenor-Appellee,</i></p> <p style="text-align: center;">v.</p> <p>DENNIS BROCKWAY; ROBERT STEWART; STEWART MILES & ASSOCIATES, <i>Defendants-Appellees,</i></p> <p style="text-align: center;">and</p> <p>J. J. ZAVOSHY; Y. W. ZAVOSHY; H&H PROPERTIES; ZAVOSHY REV. INTER VIVOS TRUST, <i>Defendants.</i></p>
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No. 05-35647
D.C. No.
CV-03-00193-MHW
District of Idaho,
Boise

TAMARA THOMPSON; DISABLED
RIGHTS ACTION COMMITTEE (a Utah
non-profit corporation),

Plaintiffs-Appellants,

v.

GOHRES CONSTRUCTION Co., a
Nevada corporation; MARC
GOHRES,

Defendants,

and

MICHAEL E. TURK,

Defendant-Appellee.

No. 06-15042

D.C. No.

CV-05-00156-ECR

District of Nevada,

Las Vegas

ORDER

Filed January 7, 2008

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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