

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

DO SUNG UHM; EUN SOOK UHM, a
married couple, individually and
for all others similarly situated,
Plaintiffs-Appellants,

v.

HUMANA INC., a Delaware
corporation; HUMANA HEALTH PLAN
INC., a Kentucky corporation doing
business as Humana,
Defendants-Appellees.

No. 06-35672
D.C. No.
CV-06-00185-RSM
Western District of
Washington,
Seattle
ORDER

Filed July 22, 2009

Before: Betty B. Fletcher, Richard A. Paez and
Marsha S. Berzon,* Circuit Judges.

ORDER

Appellees' request for reconsideration shall be treated as a petition for panel rehearing and is GRANTED. The opinion filed on August 25, 2008 and reported at 540 F.3d 980 (9th Cir. 2008) is WITHDRAWN and shall not be cited as precedent. The petition for rehearing en banc is moot. The panel will file a new disposition in due course.

*Due to the unavailability of Senior District Judge William Schwarzer, Judge Berzon has been randomly drawn as a replacement judge.

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