

FILED

DEC 30 2009

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

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

**CLAUDE CASSIRER,**

Plaintiff - Appellee,

v.

**KINGDOM OF SPAIN, a foreign state,**

Defendant,

and

**THYSSEN-BORNEMISZA  
COLLECTION FOUNDATION, an  
agency or instrumentality of the  
Kingdom of Spain,**

Defendant - Appellant.

No. 06-56325

D.C. No. CV-05-03459-GAF

**ORDER**

**CLAUDE CASSIRER,**

Plaintiff - Appellee,

v.

**KINGDOM OF SPAIN, a foreign state,**

Defendant - Appellant,

and

**THYSSEN-BORNEMISZA  
COLLECTION FOUNDATION, an  
agency or instrumentality of the  
Kingdom of Spain,**

Defendant.

No. 06-56406

D.C. No. CV-05-03459-GAF

**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.