

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

In re: KRISTIN CARIDEO; CATHERINE  
CANDLER,

KRISTIN CARIDEO; CATHERINE  
CANDLER,  
*Petitioners,*

v.

UNITED STATES DISTRICT  
COURT FOR THE WESTERN  
DISTRICT OF WASHINGTON,  
*Respondent,*

DELL, INC.,  
*Real Party in Interest.*

No. 07-74458  
D.C. No.  
CV-06-01772-JLR  
ORDER

Appeal from the United States District Court  
for the Western District of Washington  
James L. Robart, District Judge, Presiding

Submitted December 9, 2008\*  
Seattle, Washington

Filed December 16, 2008

Before: Ronald M. Gould, Richard C. Tallman, and  
Consuelo M. Callahan, Circuit Judges.

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\*The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

**COUNSEL**

Beth E. Terrell, Terrell Marshall & Daudt PLLC, Seattle, Washington, for petitioners Kristin Carideo and Catherine Candler.

Paul Schlaud, Reeves & Brightwell LLP, Austin, Texas, for real party in interest Dell Inc.

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**ORDER**

The petition for writ of mandamus is DENIED without prejudice. In light of the intervening authority of *McKee v. AT & T Corp.*, 191 P.3d 845 (Wash. 2008), this case is remanded to the district court to reconsider its order denying Petitioners' Rule 60(b) motion for relief from its order compelling arbitration.

**PETITION DENIED. REMANDED FOR RECONSIDERATION.**



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