

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

LARRY MONTZ; DAENA SMOLLER,  
*Plaintiffs-Appellants,*

v.

PILGRIM FILMS & TELEVISION, INC.;  
NBC UNIVERSAL, INC.; CRAIG  
PILIGIAN; JASON CONRAD HAWES;  
UNIVERSAL TELEVISION NETWORKS,  
*Defendants-Appellees.*

No. 08-56954

D.C. No.  
2:06-cv-07174-  
FMC-MAN

ORDER

Filed September 30, 2010

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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.