

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

PHIL GANEZER and LYNETTE SOHL,
on their own behalf and on behalf
of all others similarly situated; et
al.,

Plaintiffs-Appellees,

v.

DIRECTBUY, INC., an Indiana
Corporation,

Defendant-Appellant.

No. 09-55818
D.C. No.
2:08-cv-08666-
GAF-RC
Central District of
California,
Los Angeles
ORDER

Filed June 25, 2009

Before: Kim McLane Wardlaw, Johnnie B. Rawlinson, and
N. Randy Smith, Circuit Judges.

ORDER

The judgment of the district court is vacated. This matter is remanded to the district court with instructions to stay proceedings pending a decision by the United States Supreme Court in *Hertz Corp. v. Friend*, No. 08-16963, 2008 WL 4750198 (9th Cir. Oct. 30, 2008), *cert. granted*, 2009 WL 559348 (U.S. June 8, 2009) (No. 08-1107). The appeal is removed from the July 10, 2009, Pasadena calendar.

IT IS SO ORDERED.

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