

**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.

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**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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