

FILED

UNITED STATES COURT OF APPEALS

APR 15 2010

FOR THE NINTH CIRCUIT

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

CELEDONIA X. YUE, M.D., on behalf of
the class of others similarly situated and on
behalf of the General Public,

Plaintiff - Respondent,

v.

CONSECO LIFE INSURANCE
COMPANY, Successor: Philadelphia Life
Insurance Company, f/k/a Massachusetts
General Life Insurance Company,

Defendant - Petitioner.

No. 09-80191

D.C. No. 2:08-cv-01506-AHM
Central District of California,
Los Angeles

ORDER

Before: FISHER and M. SMITH, Circuit Judges.

The court, in its discretion, denies the petition for permission to appeal the district court's December 7, 2009 order granting class action certification. *See* Fed. R. Civ. P. 23(f); *Chamberlan v. Ford Motor Co.*, 402 F.3d 952 (9th Cir. 2005) (per curiam).

KB/MOATT