

FILED

FOR PUBLICATION

AUG 08 2014

UNITED STATES COURT OF APPEALS

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

FOR THE NINTH CIRCUIT

SABRINA LAGUNA, an individual;
CARLOS ACEVEDO, an individual;
TERESA SALAS, an individual; ROES 3-
50, on behalf of themselves and in a
representative capacity for all others
similarly situated,

Plaintiffs - Appellees,

AMRIT SINGH,

Objector - Appellant,

v.

COVERALL NORTH AMERICA, INC., a
Delaware corporation; ALLIED CAPITAL
CORPORATION, a Maryland corporation;
ARES CAPITAL CORPORATION, a
Maryland corporation; CNA HOLDING
CORPORATION, a Delaware corporation;
TED ELLIOTT, an individual; DOES, 5-
50, inclusive,

Defendants - Appellees.

No. 12-55479

D.C. No. 3:09-cv-02131-JM-BGS
Southern District of California,
San Diego

ORDER

Before: GOULD and BYBEE, Circuit Judges, and CHEN, District Judge.*

One or more members of this court has interest in calling for *sua sponte* en banc review of the three-judge panel opinion in this case, filed on June 3, 2014. Plaintiffs-Appellees and Defendants-Appellees are each ordered to file a response to the Petition for Rehearing En Banc that was filed and subsequently withdrawn by Objector-Appellant Singh. The responses should set forth their positions on whether the case should be reheard en banc, and include whether the settlement agreement makes this case moot and whether the prior panel opinion should be vacated. The responses of the parties shall be filed within 21 days of the filing of this order. Fifty copies should be filed. After both such responses are received by the court, any member of this court will have 7 days in which to make a *sua sponte* en banc call.

Any person or entity wishing to file a brief as an amicus curiae in response to this order is granted leave to do so pursuant to Fed. R. App. P. 29(a).

Plaintiffs-Appellees, Defendants-Appellees, and Objector-Appellant are further ordered to file with this court a copy of the settlement agreement referenced in Objector-Appellant's Notice of Withdrawal of Petition for Rehearing En Banc, Waiver of Right to Seek Further Review, and Stipulation Regarding Finality of

* The Honorable Edward M. Chen, District Judge for the U.S. District Court for the Northern District of California, sitting by designation.

Court's Ruling. To the extent, if any, that the written settlement agreement does not reflect the full understanding of the settling parties, the parties shall separately set forth any additional terms or understandings that are not reflected in the written agreement. The settlement agreement and any additional statement may be filed under seal if confidential. The settlement agreement and any additional statement shall be filed at or before the time that Plaintiffs-Appellees and Defendants-Appellees file their responses.

The Joint Request for Expedited Issuance of Mandate is DENIED.