

FILED

JUN 30 2017

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

FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

**ALASKA AIRLINES INC., an Alaska
corporation,**

Plaintiff-Appellant,

v.

**JUDY SCHURKE, in her official
capacity as Director of the State of
Washington Department of Labor and
Industries; ELIZABETH SMITH, in
her official capacity as Employment
Standards Program Manager of the
State of Washington Department of
Labor and Industries,**

Defendants-Appellees,

**ASSOCIATION OF FLIGHT
ATTENDANTS - COMMUNICATION
WORKERS OF AMERICA, AFL-CIO,**

Intervenor-Defendant-
Appellee.

No. 13-35574

D.C. No. 2:11-cv-00616-JLR
Western District of Washington,
Seattle

ORDER

THOMAS, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Federal Rule of Appellate Procedure 35(a)

and Circuit Rule 35-3. The three-judge panel disposition in this case shall not be cited as precedent by or to any court of the Ninth Circuit.