

FILED

FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FEB 10 2014

FOR THE NINTH CIRCUIT

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

<p>JUDITH ROMO; VINCENT TALDONE; ROBIN TAYLER; MARGARET TAYLOR; RANDY TAYLOR; RAY TEETS; LAWRENCE TELLS; KATHRYN TEMCHACK; CHARLES TERRY; VERONICA TERRY; ROBERTA THORNE; MARGARET TIVIS; LINDA TODD; DELORES TOOHEY; DEBRA TOURVILLE; DENA TSOUALS; ALLEN TURNER; CAROLYN TURNER; WANDA TURNER; STARLET TYRONE; GLORIA UNDERWOOD; HENRY UNDERWOOD; JANICE VANISON; WILLIAM VERHEYEN; CHARLES VILDIBILL; SHARON WALLGREN; PAM WALSH; SHARON WALSH; KEESHA WARRIOR; LATANGA WASHINGTON; DARLENE WATT; JAMES WEISS; WESLEY WELBORNE, III; DEBRA WHEELER; MARSHA WHITT; CAROLYN WHYNO; CECILIA WILCKENS; SANDRA WILEMON; STELLA WILKERSON-CLARK; JOANN WILLIAMS; JOYCE WILLIAMS; ROSE WILLIAMS; SHANTAS WILLIAMS; MARY WILSON; ROSE WILSON; PATSY WINZEY; JIMMIE WISE; RUTH WOLFSON; JUANITA WOODSON;</p>	<p>No. 13-56310</p> <p>D.C. No. 5:12-cv-02036-PSG-E</p> <p>ORDER</p>
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LYNNE WYSOCKY, single individuals,

Plaintiffs - Appellees,

v.

**TEVA PHARMACEUTICALS USA,
INC.,**

Defendant - Appellant.

**MARGALIT CORBER; RENE CARO;
STEVE DANTZLER; LINDA
SOWARDS; LORI HUISMAN;
JOHNNY GEORGE, Sr.; TERRY
PERRY; WILLIAM RACKLEY;
ANGELA YOUNG; PAMELA
RODRIGUEZ; STEVEN SYVERSON;
OLGA CAICOYA; JANET
CARROLL; ROSE CASH; ULAD
CELENTANO; VIRGINIA
COSTANZO; KIMBERLY FILLIGIM;
ARMELDIA SMITH; CARLA WEST;
JOANNE BIERZYNSKI, individually
and as next of kin to Eleanor Wojcik;
SHARLEY MORRIS; WYOMIA
TIMMONS; DEAN REINKING;
DANIEL THORNE; WENDELEN
ASHBY; CARMEN BEDFORD;
CLAUDE COMMODORE; JAMES
HENSON; NANCY LOCKE;
MILDRED SCOTT; BILLIE
BURNETT; SHEENA HALL;
BRENDA ROBERGE, individually and
as next of kin to Ernest Roberge;**

No. 13-56306

D.C. No. 2:12-cv-09986-PSG-E

**DEBORAH WOODSUM; RICHARD
PASCUITO,**

Plaintiffs - Appellees,

v.

**XANODYNE PHARMACEUTICALS,
INC.,**

Defendant - Appellant.

KOZINSKI, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that these cases be reheard en banc pursuant to Federal Rule of Appellate Procedure 35(a) and Circuit Rule 35-3. The three-judge panel opinion in Romo v. Teva Pharmaceuticals USA, Inc., No. 13-56310, shall not be cited as precedent by or to any court of the Ninth Circuit.

Judge McKeown did not participate in the deliberations or vote in this case.