

**FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

FAST TRAK INVESTMENT COMPANY,  
LLC, a Delaware limited liability  
company,

*Plaintiff-Appellee,*

v.

RICHARD PHILIP SAX, individually  
and as principal for The Law Offices  
of Richard Sax; LAW OFFICES OF  
RICHARD SAX, a sole proprietorship,  
*Defendants-Appellants.*

No. 18-17270

D.C. No.  
4:17-cv-00257-  
KAW

ORDER

Appeal from the United States District Court  
for the Northern District of California  
Kandis A. Westmore, Magistrate Judge, Presiding

Argued and Submitted February 3, 2020  
Submission Withdrawn June 11, 2020  
Resubmitted July 23, 2021  
San Francisco, California

Filed July 23, 2021

Before: Richard A. Paez and Carlos T. Bea, Circuit Judges,  
and Janis Graham Jack,\* District Judge.

Order

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**COUNSEL**

Richard Sax (argued), Law Office of Richard Sax, Santa Rosa, California, for Defendants-Appellants.

Kira A. Schlesinger (argued), Schlesinger Conrad PLLC, Phoenix, Arizona, for Plaintiff-Appellee.

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**ORDER**

The joint motion to withdraw certification to the New York State Court of Appeals and to dismiss the appeal (Dkt. No. 38) is **GRANTED**.

We **WITHDRAW CERTIFICATION** and **DISMISS** the appeal.

The clerk of our court is hereby ordered to transmit forthwith to the New York Court of Appeals, under official seal of the United States Court of Appeals for the Ninth Circuit, a copy of this order. A copy of this order served on the district court shall act as and for the mandate of this court.

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\* The Honorable Janis Graham Jack, United States District Judge for the Southern District of Texas, sitting by designation.