

**FOR PUBLICATION**

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

CHAMBER OF COMMERCE OF  
THE UNITED STATES OF  
AMERICA; CALIFORNIA  
CHAMBER OF COMMERCE;  
NATIONAL RETAIL  
FEDERATION; CALIFORNIA  
RETAILERS ASSOCIATION;  
NATIONAL ASSOCIATION OF  
SECURITY COMPANIES; HOME  
CARE ASSOCIATION OF  
AMERICA; CALIFORNIA  
ASSOCIATION FOR HEALTH  
SERVICES AT HOME,  
*Plaintiffs-Appellees,*

v.

ROB BONTA, in his official  
capacity as the Attorney  
General of the State of  
California; LILIA GARCIA-  
BROWER, in her official  
capacity as the Labor  
Commissioner of the State of  
California; JULIE A. SU, in her  
official capacity as the  
Secretary of the California  
Labor and Workforce  
Development Agency; KEVIN

No. 20-15291

D.C. No.  
2:19-cv-02456-KJM-DB

ORDER

RICHARD KISH, in his official capacity as Director of the California Department of Fair Employment and Housing of the State of California,  
*Defendants-Appellants.*

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Filed August 22, 2022

Before: Carlos F. Lucero,\* William A. Fletcher, and  
Sandra S. Ikuta, Circuit Judges.

Order

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## ORDER

A majority of the panel has voted sua sponte to grant panel rehearing. Judge Fletcher and Judge Ikuta voted in favor of rehearing, and Judge Lucero voted against rehearing. The opinion and dissent filed on September 15, 2021, Dkt. 38, are withdrawn, and the case is resubmitted. The petition for rehearing en banc, Dkt. 41, is **DENIED** as moot.

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\* The Honorable Carlos F. Lucero, United States Circuit Judge for the U.S. Court of Appeals for the Tenth Circuit, sitting by designation.