

FILED

UNITED STATES COURT OF APPEALS

JAN 21 2010

FOR THE NINTH CIRCUIT

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

CLARKE WIXON, on behalf of himself
and all others similarly situated; et al.,

Plaintiffs - Respondents,

v.

WYNDHAM RESORT DEVELOPMENT
CORP., f/k/a Trendwest Resorts Inc.,

Defendant - Petitioner.

No. 09-80162

D.C. No. 3:07-cv-02361-JSW
Northern District of California,
San Francisco

ORDER

Before: SILVERMAN and PAEZ, Circuit Judges.

The court, in its discretion, denies the petition for permission to appeal the district court's October 19, 2009 order granting class action certification. *See* Fed. R. Civ. P. 23(f); *Chamberlan v. Ford Motor Co.*, 402 F.3d 952 (9th Cir. 2005) (per curiam).

LN/MOATT