

FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 6 2022

FOR THE NINTH CIRCUIT

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

KIMETRA BRICE; EARL BROWNE; JILL  
NOVOROT,

Plaintiffs-Appellees,

v.

PLAIN GREEN, LLC,

Defendant,

and

HAYNES INVESTMENTS, LLC; L.  
STEPHEN HAYNES,

Defendants-Appellants.

No. 19-15707

D.C. No. 3:18-cv-01200-WHO  
Northern District of California,  
San Francisco

**ORDER**

**MURGUIA**, 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 opinion is vacated.

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