

FILED

FOR PUBLICATION

OCT 26 2009

UNITED STATES COURT OF APPEALS

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

FOR THE NINTH CIRCUIT

**PATRICK O. OJO, Attorney, on behalf
of himself and all others similarly
situated,**

Plaintiff - Appellant,

v.

**FARMERS GROUP, INC.; FIRE
UNDERWRITERS ASSOCIATION;
FIRE INSURANCE EXCHANGE;
FARMERS UNDERWRITERS
ASSOCIATION; FARMERS
INSURANCE EXCHANGE,**

Defendants - Appellees.

No. 06-55522

D.C. No. CV-05-05818-JFW

ORDER

KOZINSKI, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit.