

**FILED**

**FOR PUBLICATION**

NOV 07 2011

**UNITED STATES COURT OF APPEALS**

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

**FOR THE NINTH CIRCUIT**

**VAZKEN MOVSESIAN; HARRY  
ARZOUMANIAN; GARO AYALTIN;  
MIRAN KHAGERIAN; ARA  
KHAJERIAN, individually and on  
behalf of all others similarly situated  
including thousands of senior citizens,  
disabled persons and orphans as well as  
on behalf of the general public and  
acting in the public interest,**

Plaintiffs - Appellees,

v.

**VICTORIA VERSICHERUNG AG, a  
German corporation; ERGO  
VERSICHERUNGSGRUPPE AG, a  
German corporation,**

Defendants,

and

**MUNCHENER  
RUCKVERSICHERUNGS-  
GESELLSCHAFT  
AKTIENGESELLSCHAFT AG, a  
German corporation,**

Defendant - Appellant.

No. 07-56722

D.C. No. CV-03-09407-CAS-JWJ

**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.

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