

**FILED**

**FOR PUBLICATION**

SEP 30 2010

**UNITED STATES COURT OF APPEALS**

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

**FOR THE NINTH CIRCUIT**

**LARRY MONTZ; DAENA SMOLLER,**

No. 08-56954

Plaintiffs - Appellants,

D.C. No. 2:06-cv-07174-FMC-  
MAN

v.

**PILGRIM FILMS & TELEVISION,  
INC.; NBC UNIVERSAL, INC.;  
CRAIG PILIGIAN; JASON CONRAD  
HAWES; UNIVERSAL TELEVISION  
NETWORKS,**

**ORDER**

Defendants - Appellees.

**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.