

**FILED**

**FOR PUBLICATION**

OCT 07 2014

**UNITED STATES COURT OF APPEALS**

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

**FOR THE NINTH CIRCUIT**

**CHULA VISTA CITIZENS FOR JOBS  
AND FAIR COMPETITION; LORI  
KNEEBONE; LARRY  
BREITFELDER; ASSOCIATED  
BUILDERS AND CONTRACTORS OF  
SAN DIEGO, INC.,**

Plaintiffs - Appellants,

v.

**DONNA NORRIS; MAYOR CHERYL  
COX; PAMELA BENSOUSSAN;  
STEVE CASTANEDA; JOHN  
MCCANN**, in his official capacity as  
Member of the Chula Vista City Council;  
**RUDY RAMIREZ, Jr.**, in his official  
Capacity as Member of the Chula Vista  
City Council,

Defendants - Appellees,

**STATE OF CALIFORNIA,**

Intervenor-Defendant -  
Appellee.

No. 12-55726

D.C. No. 3:09-cv-00897-BEN-  
JMA

**ORDER**

**THOMAS**, Circuit 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 shall not be cited as precedent by or to any court of the Ninth Circuit.

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