

MAY 29 2009

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JAMES F. SMALL, Regional Director of
Region 21 of the National Labor Relations
Board of the National Labor Relations
Board for and on behalf of the National
Labor Relations Board; et al.,

Plaintiffs - Appellees,

v.

OPERATIVE PLASTERERS' AND
CEMENT MASONS' INTERNATIONAL
ASSOCIATION LOCAL 200, AFL-CIO,

Defendant - Appellant.

No. 08-56668

D.C. No. 5:08-cv-01039-SGL-OP
Central District of California,
Riverside

ORDER

JAMES F. SMALL, Regional Director of
Region 21 of the National Labor Relations
Board of the National Labor Relations
Board for and on behalf of the National
Labor Relations Board,

Plaintiff,

and

NATIONAL LABOR RELATIONS
BOARD,

Plaintiff - Appellant,

v.

No. 08-56942

D.C. No. 5:08-cv-01039-SGL-OP
Central District of California,
Riverside

ORDER

OPERATIVE PLASTERERS' AND
CEMENT MASONS' INTERNATIONAL
ASSOCIATION LOCAL 200, AFL-CIO,

Defendant - Appellee.

Before: PREGERSON, GRABER, and WARDLAW, Circuit Judges.

The Regional Director's and Amicus Curiae's request for publication of the memorandum disposition filed in this case is hereby GRANTED. The memorandum disposition filed on March 17, 2009, is WITHDRAWN. A superseding opinion will be filed at a later date. The pending petitions for panel rehearing and rehearing en banc are dismissed as moot. The parties may file new petitions as to the superseding opinion after it is filed, pursuant to the Federal Rules of Appellate Procedure.

IT IS SO ORDERED.