

FILED

Reynolds v. Philip Morris USA, Inc., No. 08-55114

JUN 02 2009

CALLAHAN, Circuit Judge.

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

I respectfully dissent. I agree with the district court that under the expansion of coverage occasioned by the enactment of California Civil Code § 1749.5(d), “Marlboro Miles” constitute “gift certificates” within the meaning of that state statute.