

JUN 16 2009

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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

BRUCE DARIAN, Individually, on his  
own behalf, aka SEAL 1 dba Darian  
Construction, Co.,

Plaintiff - Appellant,

and

USA, EX REL. DARIAN, as a Relator on  
behalf of the United States Government,

Plaintiff,

v.

ACCENT BUILDERS, INC., a California  
corporation, aka SEAL A; ANTHONY  
LAWRENCE FEDERICO, aka SEAL B;  
RONALD RAY FEDERICO aka SEAL C;  
SUPERIOR GUNITE, a California  
corporation, aka SEAL D,

Defendants,

AMERICAN INTERNATIONAL  
COMPANIES; ROBERT G. KELLY;  
NATIONAL UNION FIRE INSURANCE  
COMPANY OF PITTSBURGH,

Defendants,

and

No. 06-55692

D.C. No. CV-00-10255-FMC  
Central District of California,  
Los Angeles

ORDER

DAVID PASTERNAK; PASTERNAK,  
PASTERNAK & PATTON,

Defendants - Appellees.

Before: RYMER and GRABER, Circuit Judges, and ALDRICH,\* District Judge.

The memorandum disposition filed on June 5, 2009, is withdrawn in light of *United States ex rel. Eisenstein v. City of New York*, No. 08-660, \_\_\_ S. Ct. \_\_\_, 2009 WL 1576570 (June 8, 2009). The attached memorandum disposition is filed in its stead.

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\* The Honorable Ann Aldrich, Senior United States District Judge for the Northern District of Ohio, sitting by designation.