

SEP 01 2011

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U.S. COURT OF APPEALS

FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

KATHLEEN M WINN, an Arizona taxpayer; DIANE WOLFTHAL, an Arizona taxpayer; MAURICE WOLFTHAL, an Arizona taxpayer; LYNN HOFFMAN, an Arizona taxpayer,

Plaintiffs - Appellants,

v.

ARIZONA CHRISTIAN SCHOOL TUITION ORGANIZATION; ARIZONA SCHOOL CHOICE TRUST; LUIS MOSCOSO; GALE GARRIOTT, in his official capacity as Director of the Arizona Department of Revenue; GLENN DENNARD,

Defendants - Appellees.

No. 05-15754

D.C. No. CV-00-00287-EHC
District of Arizona,
Phoenix

ORDER

On Remand from the United States Supreme Court

Before: D.W. NELSON, REINHARDT and FISHER, Circuit Judges.

The judgment of this court, 562 F.3d 1002, is reversed and the case is remanded to the district court for further proceedings consistent with the decision of the United States Supreme Court in *Arizona Christian School Tuition Organization v. Winn*, ___ U.S. ___, 131 S. Ct. 1436 (2011), and the order of the

Supreme Court in *Arizona School Choice Trust v. Winn*, No. 09-998, 131 S. Ct. 2091 (Apr. 18, 2011).