

SEP 26 2011

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

TEAM ENTERPRISES, LLC,

Plaintiff - Appellant,

v.

WESTERN INVESTMENT REAL  
ESTATE TRUST, AKA Western  
Properties Trust,

Defendant,

and

MULTIMATIC CORPORATION, now  
known as Kirrberg Corporation and  
MULTIMATIC LLC,

Defendants - Appellees.

No. 10-16486

D.C. No. 1:08-cv-00872-LJO-SMS  
Eastern District of California,  
Fresno

ORDER

Before: O'SCANNLAIN and GOULD, Circuit Judges, and ST. EVE, District  
Judge.\*

The memorandum disposition filed in this case on July 26, 2011 is amended  
as follows:

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\* The Honorable Amy J. St. Eve, District Judge for the U.S. District  
Court for Northern Illinois, Chicago, sitting by designation.

On page 4, lines 4-5, replace “Multimatic asks us to reverse the district court’s decision denying Multimatic’s motion” with “Team asks us to reverse the district court’s decision denying Team’s motion.”

The panel has voted to deny the petition for rehearing with suggestion for rehearing en banc. The panel has voted unanimously to deny the petition for rehearing. Judges O’Scannlain and Gould have voted to deny the suggestion for rehearing en banc, and Judge St. Eve has so recommended. The full court has been advised of the suggestion for rehearing en banc, and no active judge has requested a vote on whether to rehear the matter en banc. Fed. R. App. P. 35.

The petition for rehearing and the suggestion for rehearing en banc are DENIED. No further petitions for rehearing will be entertained.