

UNITED STATES COURT OF APPEALS

DEC 05 2011

FOR THE NINTH CIRCUIT

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

JOSE GUADALUPE PEREZ-FARIAS;
JOSE F. SANCHEZ; RICARDO
BETANCOURT, and all other similarly
situated persons,

Plaintiffs - Appellants,

v.

GLOBAL HORIZONS, INC; JANE DOE
ORIAN; PLATTE RIVER INSURANCE
COMPANY; VALLEY FRUIT
ORCHARDS, LLC; GREEN ACRE
FARMS, INC.; MORDECHAI ORIAN,

Defendants - Appellees.

No. 10-35397

D.C. No. 2:05-cv-03061-RHW
Eastern District of Washington,
Spokane

ORDER

Before: CLIFTON and N.R. SMITH, Circuit Judges, and KORMAN, Senior
District Judge.*

The petition for rehearing is granted. Our previous memorandum
disposition, filed on August 17, 2011, and appearing at 2011 WL 3605687 (9th
Cir. Aug. 17, 2011), is hereby withdrawn.

In light of the important and previously undecided state law issues this case
presents, we are of the opinion that “it is necessary to ascertain the local law of

* The Honorable Edward R. Korman, Senior District Judge for the U.S.
District Court for Eastern New York, sitting by designation.

[Washington] in order to dispose of [this case] and the local law has not been clearly determined” Wash. Rev. Code § 2.60.020; *see Parents Involved in Community Schools v. Seattle School Dist., No. 1*, 294 F.3d 1084, 1085 (9th Cir. 2002). Bearing in mind that certification saves time, energy, and resources, and helps build a cooperative judicial federalism, “we have decided to certify to the Supreme Court of Washington that [] question[s] of Washington law [are] involved in this case which may determine the cause and as to which there is no controlling precedent in the decisions of the Washington Supreme Court.” *Parents Involved*, 294 F.3d at 1085 (internal quotation marks omitted).

Certification to the Supreme Court of Washington is made by separate order filed simultaneously with this order.

IT IS SO ORDERED.