

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAR 19 2014

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

JERRY BEEMAN AND PHARMACY
SERVICES, INC., doing business as
Beemans Pharmacy; et al.,

Plaintiffs - Appellees,

v.

ANTHEM PRESCRIPTION
MANAGEMENT, LLC; et al.,

Defendants - Appellants.

No. 07-56692

D.C. No. CV-04-00407-VAP

MEMORANDUM*

JERRY BEEMAN AND PHARMACY
SERVICES, INC., doing business as
Beemans Pharmacy; et al.,

Plaintiffs - Appellees,

v.

TDI MANAGED CARE SERVICES,
INC., doing business as ECKERD
HEALTH SERVICES; et al.,

Defendants - Appellants.

No. 07-56693

D.C. No. CV-02-01327-VAP

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

Appeal from the United States District Court
for the Central District of California
Virginia A. Phillips, District Judge, Presiding

Submitted January 30, 2014**
Pasadena, California

Before: REINHARDT, SILVERMAN, and WARDLAW, Circuit Judges.

Appellees' motion to lift the stay of district court proceedings pending disposition of these consolidated interlocutory appeals is GRANTED. Under 28 U.S.C. § 1292(b), the district court certified for interlocutory appeal its denials of Appellants' motions for judgment on the pleadings. Because the California Supreme Court's opinion in *Beeman v. Anthem Prescription Management, LLC*, 315 P.3d 71 (Cal. 2013), resolved the *Erie* issue that animated the district court's § 1292(b) orders, these appeals are now remanded to the district court for such further proceedings as remain following the district court's denial of Appellants' motions for judgment on the pleadings. The remaining motions are moot. Each party shall bear its own costs on appeal.

IT IS SO ORDERED.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).