

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUN 08 2016

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

KEMAH HENDERSON, individually and
on behalf of all others similarly situated; et
al.,

Plaintiffs - Appellants,

v.

J.P. MORGAN CHASE BANK, N.A.,

Defendant - Appellee.

No. 13-56095

D.C. No. 2:11-cv-03428-PSG-PLA

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Philip S. Gutierrez, District Judge, Presiding

Argued December 2, 2013

Submitted June 8, 2016

San Francisco, California

Before: SILVERMAN, CALLAHAN, and N.R. SMITH, Circuit Judges.

We reverse and remand to the district court to reconsider in light of the
California Supreme Court's opinion in *Kilby v. CVS Pharmacy, Inc.*, 368 P.3d 554
(Cal. 2016).

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

Defendant-Appellee's Motion to File Under Seal Portions of its
Supplemental Excerpts of Record is granted.

REVERSED and REMANDED.