

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

OCT 24 2016

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

NANCY VITOLO, individually, and on
behalf of other members of the general
public similarly situated,

Plaintiff-Appellant,

v.

BLOOMINGDALE'S, INC., an Ohio
corporation,

Defendant-Appellee.

No. 14-56706

D.C. No.
2:09-cv-07728-DSF-PJW

MEMORANDUM*

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

Argued and Submitted October 6, 2016
Pasadena, California

Before: PREGERSON, NOONAN, and PAEZ, Circuit Judges.

We vacate the district court's judgment and remand to the district court for further proceedings in light of the California Supreme Court's decision in *Iskanian v. CLS Transportation Los Angeles, LLC*, 59 Cal. 4th 348 (2014), the Ninth

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

Circuit's decision in *Sakkab v. Luxottica Retail North America, Inc.*, 803 F.3d 425 (9th Cir. 2015), and the California Court of Appeal's decision in *Perez v. U-Haul Co. of California*, No. B262029, 2016 WL 4938809 (Cal. Ct. App. Sept. 16, 2016).

VACATED AND REMANDED.

The parties shall bear their own costs on appeal.