

FILED

JUL 10 2017

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SCOTT SCHUTZA,

Plaintiff-Appellant,

v.

COURTESY CHEVROLET CENTER, a  
California Corporation,

Defendant-Appellee.

No. 15-55631

D.C. No.

3:14-cv-02576-BAS-DHB

MEMORANDUM\*

Appeal from the United States District Court  
for the Southern District of California  
Cynthia A. Bashant, District Judge, Presiding

Submitted February 6, 2017\*\*  
Pasadena, California

Before: GRABER, BYBEE, and CHRISTEN, Circuit Judges.

We vacate the district court's dismissal of this action, and we remand for reconsideration in light of Karczewski v. DCH Mission Valley, LLC, No. 15-55633.

**VACATED and REMANDED.** Costs on appeal awarded to Plaintiff.

---

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

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

FILED

*Schutz v. Courtesy Chevrolet Ctr.*, No. 15-55631

JUL 10 2017

BYBEE, Circuit Judge, acquiescing *dubitante*:

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

I acquiesce *dubitante* for the reasons articulated in my separate opinion in  
*Karczewski v. DCH Mission Valley, LLC*, No. 15-55633.