

FILED

AUG 07 2017

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

HELLER EHRMAN LLP, Liquidating
Debtor,

Petitioner-Appellant,

v.

K. WILLIAM NEUMAN,

Respondent-Appellee.

No. 15-17124

D.C. No. 3:14-cv-04002-CRB
Northern District of California,
San Francisco

ORDER AMENDING
MEMORANDUM DISPOSITION
AND DENYING PETITION FOR
PANEL REHEARING

Before: WALLACE, McKEOWN, and BYBEE, Circuit Judges.

The Memorandum Disposition filed April 10, 2017 is amended as follows:

On page 6, in the last paragraph, change:

Heller’s dissolution foreclosed any further compensation to Neuman, as a shareholder, once the Dissolution Committee decided in September 2008 to stop paying shareholders any further compensation. And, as a shareholder at the time of dissolution, the subordination requirements for shareholder claims under the 2008 Plan of Dissolution and 2010 Plan of Liquidation should be applied.

To:

Heller’s dissolution foreclosed any further compensation to Neuman because, under his Employment Agreement, which continued to govern in this respect, he was no longer “entitled to any compensation

or any other monies or property” following “the termination of [the] Agreement” when Heller dissolved.

With this amendment, Judges Bybee and McKeown have voted to deny the petition for panel rehearing. Judge Wallace voted to grant the petition for rehearing.

Appellant’s petition for rehearing, filed April 24, 2017, is DENIED.