

**FOR PUBLICATION**  
**UNITED STATES COURT OF APPEALS**  
**FOR THE NINTH CIRCUIT**

JOSEPH OLSON, MONICA OLSON, JAVIER VARGAS, <i>Plaintiffs-Appellants,</i> v. UNITED STATES OF AMERICA, <i>Defendant-Appellee.</i>
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No. 03-15141  
D.C. Nos.  
CV-01-00663-WDB  
CV-02-00323-WDB  
ORDER

On Remand From  
The United States Supreme Court

Filed January 6, 2006

Before: Betty B. Fletcher and Stephen Reinhardt,  
Circuit Judges, and Jane A. Restani,\* Chief Judge,  
United States Court of International Trade.

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**COUNSEL**

Thomas G. Cotter, Haralson, Miller, Pitt, Feldman & McAnally, P.L.C., for the plaintiffs-appellants.

Peter D. Keisler, Mark B. Stern, and Dana J. Martin, Civil Division, Department of Justice, and Paul K. Charlton, United States Attorney, for the defendant-appellee.

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\*The Honorable Jane A. Restani, Chief Judge, United States Court of International Trade, sitting by designation.

**ORDER**

This case is remanded to the district court for further proceedings consistent with the decision of the United States Supreme Court in *United States v. Olson*, 126 S. Ct. 510 (2005). The plaintiffs-appellants shall be allowed to conduct discovery on whether the United States can be held liable under the Federal Tort Claims Act pursuant to a “private persons” analogy.



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