

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

In re: KRISTIN CARIDEO; CATHERINE
CANDLER,

KRISTIN CARIDEO; CATHERINE
CANDLER,

Petitioners,

v.

UNITED STATES DISTRICT
COURT FOR THE WESTERN
DISTRICT OF WASHINGTON,

Respondent,

DELL, INC.,

Real Party in Interest.

No. 07-74458
D.C. No.
CV-06-01772-JLR
ORDER

Appeal from the United States District Court
for the Western District of Washington
James L. Robart, District Judge, Presiding

Submitted December 9, 2008*
Seattle, Washington

Filed December 16, 2008

Before: Ronald M. Gould, Richard C. Tallman, and
Consuelo M. Callahan, Circuit Judges.

*The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

COUNSEL

Beth E. Terrell, Terrell Marshall & Daudt PLLC, Seattle, Washington, for petitioners Kristin Carideo and Catherine Candler.

Paul Schlaud, Reeves & Brightwell LLP, Austin, Texas, for real party in interest Dell Inc.

ORDER

The petition for writ of mandamus is DENIED without prejudice. In light of the intervening authority of *McKee v. AT & T Corp.*, 191 P.3d 845 (Wash. 2008), this case is remanded to the district court to reconsider its order denying Petitioners' Rule 60(b) motion for relief from its order compelling arbitration.

PETITION DENIED. REMANDED FOR RECONSIDERATION.

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