

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

DONALD SULLIVAN; DEANNA EVICH;
RICHARD BURKOW,
Plaintiffs-Appellants,

v.

ORACLE CORPORATION, a Delaware
corporation; ORACLE UNIVERSITY,
form unknown,
Defendants-Appellees.

No. 06-56649
D.C. No.
CV-05-00392-AHS
Central District of
California,
Santa Ana
ORDER
WITHDRAWING
OPINION

Filed February 17, 2009

Before: William A. Fletcher and Ronald M. Gould,
Circuit Judges, and Louis H. Pollak,*
Senior District Judge.

ORDER

We have today issued an order requesting the California Supreme Court to answer three certified questions of California law presented in this case. We hereby withdraw our published opinion in this case, *Sullivan v. Oracle Corp.*, 547 F.3d 1177 (9th Cir. 2008), pending a decision by the California Supreme Court on those questions. Appellants' Petition for Rehearing and Appellees' Petition for Rehearing En Banc are dismissed as moot.

*The Honorable Louis H. Pollak, Senior United States District Judge for the Eastern District of Pennsylvania, sitting by designation.

PRINTED FOR
ADMINISTRATIVE OFFICE—U.S. COURTS
BY THOMSON REUTERS/WEST—SAN FRANCISCO

The summary, which does not constitute a part of the opinion of the court, is copyrighted
© 2009 Thomson Reuters/West.