

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

DO SUNG UHM; EUN SOOK UHM, a  
married couple, individually and  
for all others similarly situated,  
*Plaintiffs-Appellants,*

v.

HUMANA INC., a Delaware  
corporation; HUMANA HEALTH PLAN  
INC., a Kentucky corporation doing  
business as Humana,  
*Defendants-Appellees.*

No. 06-35672  
D.C. No.  
CV-06-00185-RSM  
Western District of  
Washington,  
Seattle  
ORDER

Filed July 22, 2009

Before: Betty B. Fletcher, Richard A. Paez and  
Marsha S. Berzon,\* Circuit Judges.

**ORDER**

Appellees' request for reconsideration shall be treated as a petition for panel rehearing and is GRANTED. The opinion filed on August 25, 2008 and reported at 540 F.3d 980 (9th Cir. 2008) is WITHDRAWN and shall not be cited as precedent. The petition for rehearing en banc is moot. The panel will file a new disposition in due course.

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\*Due to the unavailability of Senior District Judge William Schwarzer, Judge Berzon has been randomly drawn as a replacement judge.

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