

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

SHAWN SAMSON; JACK KASHANI,
Plaintiffs-Appellants,
v.
NAMA HOLDINGS, LLC,
Defendant-Appellee.

No. 09-55835
D.C. No.
2:09-cv-01433-
MMM-PJW

SHAWN SAMSON; JACK KASHANI,
Plaintiffs-Appellants,
v.
NAMA HOLDINGS, LLC,
Defendant-Appellee.

No. 09-56394
D.C. No.
2:09-cv-01433-
MMM-PJW
ORDER AND
AMENDED
ORDER

Appeal from the United States District Court
for the Central District of California
Margaret M. Morrow, District Judge, Presiding

Submitted December 6, 2010*
Pasadena, California

Filed December 15, 2010
Amended February 11, 2011

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

Before: Stephen S. Trott and Kim McLane Wardlaw,
Circuit Judges, and Rudi M. Brewster,
Senior District Judge.**

COUNSEL

Roger J. Magnuson, Kent J. Schmidt, Dorsey & Whitney LLP, Irvine, CA; Kathleen M. Sullivan, Quinn Emanuel Urquhart Oliver & Hedges LLP, New York, NY; Richard A. Schirtzer, Susan R. Estrich, Quinn Emanuel Urquhart Oliver & Hedges LLP, Los Angeles, California, for Shawn Samson and Jack Kashani.

Howard J. Rubinroit, Ronald C. Cohen, James M. Harris, Sidley Austin LLP, Los Angeles, California, for NAMA Holdings, LLC.

ORDER

The mandate is recalled. The order filed for publication on December 15, 2010 is amended as follows:

First, delete the sentence that reads:

As to Appeal No. 09-55835, we affirm for the reasons stated by the district court in its May 20, 2009 Order Denying Plaintiffs' Motion to Compel Arbitration.

and replace it with:

As to Appeal No. 09-55835, we affirm for the rea-

**The Honorable Rudi M. Brewster, Senior United States District Judge for the Southern District of California, sitting by designation.

sons stated by the district court in its May 20, 2009 Order Denying Plaintiffs' Motion to Compel Arbitration, attached as Appendix A.

Second, attach as Appendix A the May 20, 2009 district court Order Denying Plaintiffs' Motion to Compel Arbitration, which is being transmitted together with this order.

The Clerk is directed to re-issue the mandate immediately upon filing of the amended order and appendix. No petitions for rehearing will be entertained.

IT IS SO ORDERED.

ORDER

As to Appeal No. 09-55835, we affirm for the reasons stated by the district court in its May 20, 2009 Order Denying Plaintiffs' Motion to Compel Arbitration, attached as Appendix A. Appeal No. 09-56394, challenging the district court's award of prevailing party attorneys' fees to Defendant, is therefore moot.

APPEAL NO. 09-55835: AFFIRMED.

APPEAL NO. 09-56394: MOOT.