

**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

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\*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.\*\*

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### 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.

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### 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-

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

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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.

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**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.**