

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

STATE OF ARIZONA, ex rel Terry L.
Goddard ex rel Thomas C. Horne,
Plaintiff-Respondent,

v.

COUNTRYWIDE FINANCIAL
CORPORATION, a Delaware
corporation; COUNTRYWIDE HOME
LOANS INCORPORATED, a New York
corporation; a wholly owned
subsidiary of Countrywide
Financial Corporation; FULL
SPECTRUM LENDING INCORPORATED,
a California corporation now
known as Countrywide Home
Loans Incorporated; BANK OF
AMERICA CORPORATION, a Delaware
corporation; BANK OF AMERICA
NA, a national bank; BAC HOME
LOANS SERVICING LP, a foreign
limited partnership and subsidiary
of Bank of America NA; RECON
TRUST COMPANY NA, a wholly-
owned subsidiary of Bank of
America NA; UNKNOWN PARTIES,
named as: Black Corporations 1-
10,

Defendants-Petitioners.

No. 11-80086
D.C. No.
2:11-cv-00131-FJM
District of Arizona,
Phoenix
ORDER

Submitted to a Motions Panel June 29, 2011

Filed January 3, 2012

Before: William C. Canby, Jr., Ronald M. Gould, and
Richard C. Tallman, Circuit Judges.

Order;
Dissent by Judge Gould

COUNSEL

Carolyn R. Matthews, Esquire, Senior Litigation Counsel,
Office of the Attorney General, Phoenix, Arizona.

Thomas K. Chenal, Esquire, Assistant Attorney General,
Office of the Attorney General, Phoenix, Arizona.

Matthew W. Close, Esquire, O'Melveny & Myers LLP, Los
Angeles, California.

Don Bivens, Esquire, Snell & Wilmer LLP, Phoenix, Arizona.

Brian D. Boyle, Esquire, O'Melveny & Myers LLP, Washing-
ton, DC.

Robert Arthur Henry, Esquire, Snell & Wilmer LLP, Phoenix,
Arizona.

ORDER

PER CURIAM:

Petitioner's motion for reconsideration is denied. *See* 9th
Cir. R. 27-10.

Respondent's request that it be awarded its costs, contained
in its response to the motion to reconsider, is denied.

No further filings will be accepted in this closed case.

GOULD, Circuit Judge, dissenting:

I dissent and would grant reconsideration and would permit appeal. We have decisions in different district courts in Nevada and Arizona going in opposite directions on the same or very similar issues. Although we have permitted appeal in *Nevada v. Bank of America Corp.*, No. 11-80165, there are ways in which that decision might be resolved without clarifying the legal points concerning application of the Class Action Fairness Act to *parens patriae* actions in which an attorney general seeks restitution for state citizens, on which our district courts are divided. In my view, if there is one thing we should readily do as a circuit, it is to take steps to eliminate intra-circuit conflicts in our district courts. A state attorney general should face the same law and orientation of a district court in each of the states within our circuit. To my thinking, it just doesn't make sense to leave the attorney generals of the various states at sea when we could easily simplify and clarify matters by permitting appeal in both this decision coming from Arizona and the related case in Nevada on which we are allowing an appeal. A panel hearing both appeals on an expedited basis could provide an opinion that would set uniform law within our circuit. I regret that our panel here passes on that opportunity.