

**FOR PUBLICATION**

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

CAROL P. SACHS,  
*Plaintiff-Appellant,*

v.

REPUBLIC OF AUSTRIA; OBB  
HOLDING GROUP; OBB  
PERSONENVERKEHR AG,  
*Defendants-Appellees.*

No. 11-15458

D.C. No.  
3:08-cv-01840-  
VRW

ORDER

Filed January 25, 2013

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**ORDER**

KOZINSKI, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Federal Rule of Appellate Procedure 35(a) and Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit.