

**FOR PUBLICATION**

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

ESTATE OF HENRY BARABIN;  
GERALDINE BARABIN, personal  
representative,  
*Plaintiffs-Appellees,*

v.

ASTENJOHNSON, INC.,  
*Defendant-Appellant.*

No. 10-36142

D.C. No.  
2:07-cv-01454-  
RSL

ESTATE OF HENRY BARABIN;  
GERALDINE BARABIN,  
*Plaintiffs-Appellees,*

v.

ASTENJOHNSON, INC.,  
*Defendant,*

and

SCAPA DRYER FABRICS, INC.,  
*Defendant-Appellant.*

No. 11-35020

D.C. No.  
2:07-cv-01454-  
RSL

ORDER

Filed March 25, 2013

**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.

Judge Christen did not participate in the deliberations or vote in this case.