

FOR PUBLICATION

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

JUDITH ROMO; VINCENT TALDONE;
ROBIN TAYLER; MARGARET
TAYLOR; RANDY TAYLOR; RAY
TEETS; LAWRENCE TELLS; KATHRYN
TEMCHACK; CHARLES TERRY;
VERONICA TERRY; ROBERTA
THORNE; MARGARET TIVIS; LINDA
TODD; DELORES TOOHEY; DEBRA
TOURVILLE; DENA TSOUALS; ALLEN
TURNER; CAROLYN TURNER;
WANDA TURNER; STARLET TYRONE;
GLORIA UNDERWOOD; HENRY
UNDERWOOD; JANICE VANISON;
WILLIAM VERHEYEN; CHARLES
VILDIBILL; SHARON WALLGREN;
PAM WALSH; SHARON WALSH;
KEESHA WARRIOR; LATANGA
WASHINGTON; DARLENE WATT;
JAMES WEISS; WESLEY WELBORNE,
III; DEBRA WHEELER; MARSHA
WHITT; CAROLYN WHYNO; CECILIA
WILCKENS; SANDRA WILEMON;
STELLA WILKERSON-CLARK; JOANN
WILLIAMS; JOYCE WILLIAMS; ROSE
WILLIAMS; SHANTAS WILLIAMS;
MARY WILSON; ROSE WILSON;
PATSY WINZEY; JIMMIE WISE; RUTH

No. 13-56310

D.C. No.
5:12-cv-02036-
PSG-E

WOLFSON; JUANITA WOODSON;
LYNNE WYSOCKY, single
individuals,

Plaintiffs-Appellees,

v.

TEVA PHARMACEUTICALS USA,
INC.,

Defendant-Appellant.

MARGALIT CORBER; RENE CARO;
STEVE DANTZLER; LINDA SOWARDS;
LORI HUISMAN; JOHNNY GEORGE,
SR.; TERRY PERRY; WILLIAM
RACKLEY; ANGELA YOUNG; PAMELA
RODRIGUEZ; STEVEN SYVERSON;
OLGA CAICOYA; JANET CARROLL;
ROSE CASH; ULAD CELENTANO;
VIRGINIA COSTANZO; KIMBERLY
FILLIGIM; ARMELDIA SMITH; CARLA
WEST; JOANNE BIERZYNSKI,
individually and as next of kin to
Eleanor Wojcik; SHARLEY MORRIS;
WYOMIA TIMMONS; DEAN
REINKING; DANIEL THORNE;
WENDELEN ASHBY; CARMEN
BEDFORD; CLAUDE COMMODORE;
JAMES HENSON; NANCY LOCKE;
MILDRED SCOTT; BILLIE BURNETT;
SHEENA HALL; BRENDA ROBERGE,
individually and as next of kin to

No. 13-56306

D.C. No.
2:12-cv-09986-
PSG-E

ORDER

Ernest Roberge; DEBORAH
WOODSUM; RICHARD PASCUITO,
Plaintiffs-Appellees,

v.

XANODYNE PHARMACEUTICALS,
INC.,
Defendant-Appellant.

Filed February 10, 2014

ORDER

KOZINSKI, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that these cases be reheard en banc pursuant to Federal Rule of Appellate Procedure 35(a) and Circuit Rule 35-3. The three-judge panel opinion in *Romo v. Teva Pharmaceuticals USA, Inc.*, No. 13-56310, shall not be cited as precedent by or to any court of the Ninth Circuit.

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