

FOR PUBLICATION

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

FOWLER PACKING COMPANY, INC.;
GERAWAN FARMING, INC.,
Plaintiffs-Appellants,

v.

DAVID M. LANIER, in his official
capacity as Secretary of the
California Labor and Workforce
Development Agency; CHRISTINE
BAKER, in her official capacity as the
Director of the Department of
Industrial Relations; JULIE A. SU, in
her official capacity as California
Labor Commissioner,
Defendants-Appellees.

No. 16-16236

D.C. No.
1:16-cv-00106-
DAD-SAB

ORDER

Filed December 9, 2016

Before: Ronald M. Gould, Richard R. Clifton,
and Paul J. Watford, Circuit Judges.

ORDER

Plaintiffs in the case appeal a district court's order dismissing claims that a California law violates the Bill of Attainder Clause, U.S. Const. art. I, § 10, cl. 1 (the "bill of attainder claim"), and the Equal Protection Clause, U.S. Const. amend. XIV, § 1 (the "equal protection claim"). We conclude that the district court correctly dismissed the bill of attainder claim, but erroneously dismissed the equal protection claim. We therefore **AFFIRM** in part and **REVERSE** in part, and **REMAND** the case to the district court for further proceedings with respect to the equal protection claim only. A written opinion giving the court's reasoning will follow in due course.

The time for filing any petition for rehearing or petition for rehearing en banc shall be extended and shall not begin to run until the court has filed its written opinion giving its reasoning.