

**FOR PUBLICATION**

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

ALASKA AIRLINES INC., an Alaska  
corporation,  
*Plaintiff-Appellant,*

v.

JUDY SCHURKE, in her official  
capacity as Director of the State of  
Washington Department of Labor  
and Industries; ELIZABETH SMITH, in  
her official capacity as Employment  
Standards Program Manager of the  
State of Washington Department of  
Labor and Industries,  
*Defendants-Appellees,*

ASSOCIATION OF FLIGHT  
ATTENDANTS - COMMUNICATION  
WORKERS OF AMERICA, AFL-CIO,  
*Intervenor-Defendant-Appellee.*

No. 13-35574

D.C. No.  
2:11-cv-00616-  
JLR

ORDER

Filed June 30, 2017

THOMAS, 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 disposition in this case shall not be cited as precedent by or to any court of the Ninth Circuit.