

FOR PUBLICATION

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

AMERICAN BEVERAGE ASSOCIATION;
CALIFORNIA RETAILERS
ASSOCIATION,

Plaintiffs-Appellants,

and

CALIFORNIA STATE OUTDOOR
ADVERTISING ASSOCIATION,

Plaintiff,

v.

CITY AND COUNTY OF SAN
FRANCISCO,

Defendant-Appellee.

No. 16-16072

D.C. No.
3:15-cv-03415-
EMC

AMERICAN BEVERAGE ASSOCIATION;
CALIFORNIA RETAILERS ASSOCIATION,
Plaintiffs,

and

CALIFORNIA STATE OUTDOOR
ADVERTISING ASSOCIATION,
Plaintiff-Appellant,

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ORDER

Filed January 29, 2018

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

Judge Bybee did not participate in the deliberations or vote in these cases.