

FILED

FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FEB 10 2014

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

**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
WOLFSON; JUANITA WOODSON;**

No. 13-56310

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

ORDER

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 Ernest Roberge;**

No. 13-56306

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

**DEBORAH WOODSUM; RICHARD
PASCUITO,**

Plaintiffs - Appellees,

v.

**XANODYNE PHARMACEUTICALS,
INC.,**

Defendant - Appellant.

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.