

FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 30 2014

FOR THE NINTH CIRCUIT

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

**SAM FRANCIS FOUNDATION;
ESTATE OF ROBERT GRAHAM;
CHUCK CLOSE; LADDIE JOHN
DILL,**

Plaintiffs - Appellants,

v.

CHRISTIE'S, INC., a New York
corporation,

Defendant - Appellee.

No. 12-56067

D.C. No. 2:11-cv-08605-MWF-
FFM

ORDER

**SAM FRANCIS FOUNDATION;
ESTATE OF ROBERT GRAHAM;
CHUCK CLOSE; LADDIE JOHN
DILL,**

Plaintiffs - Appellants,

v.

EBAY, INC., a Delaware corporation,

Defendant - Appellee.

No. 12-56068

D.C. No. 2:11-cv-08622-MWF-
PLA

**ESTATE OF ROBERT GRAHAM;
CHUCK CLOSE; LADDIE JOHN
DILL**, individually and on behalf of all
others similarly situated,

Plaintiffs - Appellants,

v.

SOTHEBY'S, INC., a New York
corporation,

Defendant - Appellee.

No. 12-56077

D.C. No. 2:11-cv-08604-MWF-
FFM

THOMAS, Circuit 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.

Judges Wardlaw and Nguyen did not participate in the deliberations or vote in this case.