

FOR PUBLICATION

FILED

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.