

FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 12 2014

FOR THE NINTH CIRCUIT

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

CINDY LEE GARCIA,

Plaintiff - Appellant,

v.

**GOOGLE, INC., a Delaware
Corporation; YOUTUBE, LLC, a
California limited liability company,**

Defendants - Appellees,

and

**NAKOULA BASSELEY NAKOULA,
an individual, AKA Sam Bacile; MARK
BASSELEY YOUSSEF; ABANOB
BASSELEY NAKOULA; MATTHEW
NEKOLA; AHMED HAMDY; AMAL
NADA; DANIEL K. CARESMAN;
KRITBAG DIFRAT; SOBHI BUSHRA;
ROBERT BACILY; NICOLA
BACILY; THOMAS J. TANAS;
ERWIN SALAMEH; YOUSSEFF M.
BASSELEY; MALID AHLAWI,**

Defendants.

No. 12-57302

D.C. No. 2:12-cv-08315-MWF-
VBK

ORDER

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. The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit.

Judges Wardlaw, Owens and Friedland did not participate in the deliberations or vote in this case.