

SEP 25 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GREGG CONITZ,

Plaintiff - Appellant,

v.

TECK ALASKA INCORPORATED,

Defendant - Appellee,

NANA REGIONAL CORPORATION,

Defendant-intervenor -
Appellee.

No. 08-35730

D.C. No. 4:06-CV-00015-RRB

ORDER

GREGG CONITZ; JOHN KELLS,

Plaintiffs - Appellees,

v.

TECK ALASKA INCORPORATED,

Defendant - Appellant,

and

No. 08-35915

D.C. No. 4:06-CV-00015-RRB

NANA REGIONAL CORPORATION,

Defendant-intervenor.

Before: FARRIS, THOMPSON and RAWLINSON, Circuit Judges.

The panel, as constituted above, has unanimously voted to deny petitioner Conitz's petition for rehearing. Judge Rawlinson has also voted to deny his petition for rehearing by the court en banc, and Judges Farris and Thompson have recommended denial of that petition.

The full court has been advised of the petition for court rehearing en banc, and no judge of the court has requested en banc rehearing. See Fed. R. App. P. 35(b).

The petitions for panel rehearing and for rehearing by the court en banc are DENIED.