

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JUN 17 2026

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

DONIECE DRAKE and DEBORAH
BOWLING,

Plaintiffs - Appellees,

v.

BAYER HEALTHCARE LLC,

Defendant - Appellant.

No. 24-7158

D.C. No.

3:22-cv-01085-MMA-JLB
Southern District of California,
San Diego

ORDER

Before: M. SMITH, CHRISTEN, and FORREST, Circuit Judges.

Judges M. Smith and Christen voted to deny Appellant's petition for panel rehearing and rehearing en banc (Dkt. No. 71). Judge Forrest would grant the petition. The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter. Fed. R. App. 40. The petition for panel rehearing and rehearing en banc is **DENIED**. The motions for leave to file amicus briefs (Dkt. Nos. 72, 73) are **GRANTED**.