

FILED

UNITED STATES COURT OF APPEALS

FEB 02 2016

FOR THE NINTH CIRCUIT

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

SHUKRI SAKKAB, an individual, on
behalf of himself, and on behalf of all
persons similarly situated,

Plaintiff - Appellant,

v.

LUXOTTICA RETAIL NORTH
AMERICA, INC., an Ohio corporation,

Defendant - Appellee.

No. 13-55184

D.C. No. 3:12-cv-00436-GPC-KSC
Southern District of California,
San Diego

ORDER

Before: M. SMITH and N.R. SMITH, Circuit Judges and LEFKOW,* Senior
District Judge.

Judge M. Smith has voted to deny the petition for rehearing en banc, and
Judge Lefkow so recommends. Judge N.R. Smith has voted to grant the petition for
rehearing en banc.

The full court has been advised of the petition for rehearing en banc and no
judge of the court has requested a vote on it. Fed. R. App. P. 35.

The petition for rehearing en banc is DENIED.

* The Honorable Joan Lefkow, Senior District Judge for the U.S.
District Court for the Northern District of Illinois, sitting by designation.