

FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 27 2018

FOR THE NINTH CIRCUIT

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

In re: HYUNDAI AND KIA FUEL
ECONOMY LITIGATION,

No. 15-56014

D.C. No.
2:13-ml-02424-GW-FFM
Central District of California,
Los Angeles

ORDER

KEHLIE R. ESPINOSA; NICOLE MARIE
HUNTER; JEREMY WILTON; KAYLENE
P. BRADY; GUNTHER KRAUTH; ERIC
GRAEWINGHOLT; REECE PHILIP
THOMSON; ALEX MATURANI;
NILUFAR REZAI; JACK ROTTNER;
LYDIA KIEVIT; REBECCA SANDERS;
BOBBY BRANDON ARMSTRONG;
SERGIO TORRES; RICHARD
WOODRUFF; MARSHALL LAWRENCE
GORDON; JOEL A. LIPMAN; JAMES
GUDGALIS; MARY P. HOESSLER;
STEPHEN M. HAYES; BRIAN REEVES;
SAM HAMMOND; MARK LEGGETT;
EDWIN NAYTHONS; MICHAEL
WASHBURN; IRA D. DUNST; BRIAN
WEBER; KAMNEEL MAHARAJ; KIM
IOCOVOZZI; HERBERT J. YOUNG;
LINDA HASPER; LESLIE BAYARD;
TRICIA FELLERS; ORLANDO ELLIOTT;
JAMES BONSIGNORE; MARGARET
SETSER; GUILLERMO QUIROZ;
DOUGLAS KURASH; ANDRES
CARULLO; LAURA S. SUTTA;
GEORGIA L. THOMAS; ERIC J. OLSON;
JENNIFER MYERS; TOM WOODWARD;
JEROLD TERHOST; CAMERON JOHN
CESTARO; DONALD BROWN; MARIA

FIGUEROA; CONSTANCE MARTYN;
THOMAS GANIM; DANIEL
BALDESCHI; LILLIAN E. LEVOFF;
GIUSEPPINA ROBERTO; ROBERT
TRADER; SEAN GOLDSBERRY;
CYNTHIA NAVARRO; OWEN
CHAPMAN; MICHAEL BREIN; TRAVIS
BRISSEY; RONALD BURKARD; ADAM
CLOUTIER; STEVEN CRAIG; JOHN J.
DIXSON; ERIN L. FANTHORPE; ERIC
HADESH; MICHAEL P. KEETH; JOHN
KIRK MACDONALD; MICHAEL
MANDAHL; NICHOLAS MCDANIEL;
MARY J. MORAN-SPICUZZA; GARY
PINCAS; BRANDON POTTER; THOMAS
PURDY; ROCCO RENGHINI; MICHELLE
SINGLTON; KEN SMILEY; GREGORY
M SONSTEIN; ROMAN STARNO;
GAYLE A. STEPHENSON; ANDRES
VILICANA; RICHARD WILLIAMS;
BRADFORD L. HIRSCH; ASHLEY
CEPHAS; DAVID E. HILL; CHAD
MCKINNEY; MORDECHAI SCHIFFER;
LISA SANDS; DONALD KENDIG;
KEVIN GOBEL; ERIC LARSON; LIN
MCKINNEY; RYAN CROSS; PHILLIP
HOFFMAN; DEBRA SIMMONS;
ABELARDO MORALES; PETER
BLUMER; CAROLYN HAMMOND;
MELISSA LEGGETT; KELLY MOFFETT;
EVAN GROGAN; CARLOS MEDINA;
ALBERTO DOMINGUEZ; CATHERINE
BERNARD; MICHAEL BREIEN; LAURA
GILL; THOMAS SCHILLE; JUDITH
STANTON; RANDY RICKERT; BRYAN
ZIRKEL; JAMES KUNDRAT; ROBERT
SMITH; MARIA KOTOVA; JOSIPA
CASEY; LUAN SNYDER; BEN BAKER;
BRIAN NGUYEN; HATTIE WILLIAMS;

BILL HOLVEY; LOURDES VARGAS;
KENDALL SNYDER; NOMER MEDINA;
SAMERIA GOFF; URSULA PYLAND;
MARCELL CHAPMAN; KAYE KURASH;
HOLLY AMROMIN; JOHN CHAPMAN;
MARY D'ANGELO; GEORGE RUDY;
AYMAN MOUSA; SHELLY
HENDERSON; JEFFREY HATHAWAY;
DENNIS J. MURPHY; DOUGLAS A.
PATTERSON; JOHN GENTRY; LINDA
RUTH SCOTT; DANIELLE KAY
GILLELAND; JOSEPH BOWE; MICHAEL
DESOUTO,

Plaintiffs-Appellees,

GREG DIRENZO,

Petitioner-Appellee,

HYUNDAI MOTOR AMERICA; KIA
MOTORS AMERICA; KIA MOTORS
CORPORATION; GROSSINGER
AUTOPLEX, INC., FKA Grossinger
Hyundai; JOHN KRAFCIK; HYUNDAI
MOTOR COMPANY; SARAH
KUNDRAT,

Defendants-Appellees,

v.

CAITLIN AHEARN; ANDREW YORK,

Objectors-Appellants.

In re: HYUNDAI AND KIA FUEL
ECONOMY LITIGATION,

In Re,

KEHLIE R. ESPINOSA; NICOLE MARIE
HUNTER; JEREMY WILTON; KAYLENE
P. BRADY; GUNTHER KRAUTH; ERIC
GRAEWINGHOLT; REECE PHILIP
THOMSON; ALEX MATURANI;
NILUFAR REZAI; JACK ROTTNER;
LYDIA KIEVIT; REBECCA SANDERS;
BOBBY BRANDON ARMSTRONG;
SERGIO TORRES; RICHARD
WOODRUFF; MARSHALL LAWRENCE
GORDON; JOEL A. LIPMAN; JAMES
GUDGALIS; MARY P. HOESSLER;
STEPHEN M. HAYES; BRIAN REEVES;
SAM HAMMOND; MARK LEGGETT;
EDWIN NAYTHONS; MICHAEL
WASHBURN; IRA D. DUNST; BRIAN
WEBER; KAMNEEL MAHARAJ; KIM
IOCOVOZZI; HERBERT J. YOUNG;
LINDA HASPER; LESLIE BAYARD;
TRICIA FELLERS; ORLANDO ELLIOTT;
JAMES BONSIGNORE; MARGARET
SETSER; GUILLERMO QUIROZ;
DOUGLAS KURASH; ANDRES
CARULLO; LAURA S. SUTTA;
GEORGIA L. THOMAS; ERIC J. OLSON;
JENNIFER MYERS; TOM WOODWARD;
JEROLD TERHOST; CAMERON JOHN
CESTARO; DONALD BROWN; MARIA
FIGUEROA; CONSTANCE MARTYN;
THOMAS GANIM; DANIEL
BALDESCHI; LILLIAN E. LEVOFF;
GIUSEPPINA ROBERTO; ROBERT

No. 15-56025

D.C. No.
2:13-ml-02424-GW-FFM

TRADER; SEAN GOLDSBERRY;
CYNTHIA NAVARRO; OWEN
CHAPMAN; MICHAEL BREIN; TRAVIS
BRISSEY; RONALD BURKARD; ADAM
CLOUTIER; STEVEN CRAIG; JOHN J.
DIXSON; ERIN L. FANTHORPE; ERIC
HADESH; MICHAEL P. KEETH; JOHN
KIRK MACDONALD; MICHAEL
MANDAHL; NICHOLAS MCDANIEL;
MARY J. MORAN-SPICUZZA; GARY
PINCAS; BRANDON POTTER; THOMAS
PURDY; ROCCO RENGHINI; MICHELLE
SINGLTEON; KEN SMILEY; GREGORY
M SONSTEIN; ROMAN STARNO;
GAYLE A. STEPHENSON; ANDRES
VILLICANA; RICHARD WILLIAMS;
BRADFORD L. HIRSCH; ASHLEY
CEPHAS; DAVID E. HILL; CHAD
MCKINNEY; MORDECHAI SCHIFFER;
LISA SANDS; DONALD KENDIG;
KEVIN GOBEL; ERIC LARSON; LIN
MCKINNEY; RYAN CROSS; PHILLIP
HOFFMAN; DEBRA SIMMONS;
ABELARDO MORALES; PETER
BLUMER; CAROLYN HAMMOND;
MELISSA LEGGETT; KELLY MOFFETT;
EVAN GROGAN; CARLOS MEDINA;
ALBERTO DOMINGUEZ; CATHERINE
BERNARD; MICHAEL BREIEN; LAURA
GILL; THOMAS SCHILLE; JUDITH
STANTON; RANDY RICKERT; BRYAN
ZIRKEL; JAMES KUNDRAT; ROBERT
SMITH; MARIA KOTOVA; JOSIPA
CASEY; LUAN SNYDER; BEN BAKER;
BRIAN NGUYEN; HATTIE WILLIAMS;
BILL HOLVEY; LOURDES VARGAS;
KENDALL SNYDER; NOMER MEDINA;
SAMERIA GOFF; URSULA PYLAND;
MARCELL CHAPMAN; KAYE KURASH;

HOLLY AMROMIN; JOHN CHAPMAN;
MARY D'ANGELO; GEORGE RUDY;
AYMAN MOUSA; SHELLY
HENDERSON; JEFFREY HATHAWAY;
DENNIS J. MURPHY; DOUGLAS A.
PATTERSON; JOHN GENTRY; LINDA
RUTH SCOTT; DANIELLE KAY
GILLELAND; JOSEPH BOWE; MICHAEL
DESOUTO,

Plaintiffs-Appellees,

GREG DIRENZO,

Petitioner-Appellee,

HYUNDAI MOTOR AMERICA; KIA
MOTORS AMERICA; KIA MOTORS
CORPORATION; GROSSINGER
AUTOPLEX, INC., FKA Grossinger
Hyundai; JOHN KRAFCIK; HYUNDAI
MOTOR COMPANY; SARAH
KUNDRAT,

Defendants-Appellees,

v.

ANTONIO SBERNA,

Objector-Appellant,

In re: HYUNDAI AND KIA FUEL
ECONOMY LITIGATION

No. 15-56059

D.C. No.

2:13-ml-02424-GW-FFM

KEHLIE R. ESPINOSA; NICOLE MARIE
HUNTER; JEREMY WILTON; KAYLENE
P. BRADY; GUNTHER KRAUTH; ERIC
GRAEWINGHOLT; REECE PHILIP
THOMSON; ALEX MATURANI;
NILUFAR REZAI; JACK ROTTNER;
LYDIA KIEVIT; REBECCA SANDERS;
BOBBY BRANDON ARMSTRONG;
SERGIO TORRES; RICHARD
WOODRUFF; MARSHALL LAWRENCE
GORDON; JOEL A. LIPMAN; JAMES
GUDGALIS; MARY P. HOESSLER;
STEPHEN M. HAYES; BRIAN REEVES;
SAM HAMMOND; MARK LEGGETT;
EDWIN NAYTHONS; MICHAEL
WASHBURN; IRA D. DUNST; BRIAN
WEBER; KAMNEEL MAHARAJ; KIM
IOCOVOZZI; HERBERT J. YOUNG;
LINDA HASPER; LESLIE BAYARD;
TRICIA FELLERS; ORLANDO ELLIOTT;
JAMES BONSIGNORE; MARGARET
SETSER; GUILLERMO QUIROZ;
DOUGLAS KURASH; ANDRES
CARULLO; LAURA S. SUTTA;
GEORGIA L. THOMAS; ERIC J. OLSON;
JENNIFER MYERS; TOM WOODWARD;
JEROLD TERHOST; CAMERON JOHN
CESTARO; DONALD BROWN; MARIA
FIGUEROA; CONSTANCE MARTYN;
THOMAS GANIM; DANIEL
BALDESCHI; LILLIAN E. LEVOFF;
GIUSEPPINA ROBERTO; ROBERT
TRADER; SEAN GOLDSBERRY;
CYNTHIA NAVARRO; OWEN

CHAPMAN; MICHAEL BREIN; TRAVIS BRISSEY; RONALD BURKARD; ADAM CLOUTIER; STEVEN CRAIG; JOHN J. DIXSON; ERIN L. FANTHORPE; ERIC HADESH; MICHAEL P. KEETH; JOHN KIRK MACDONALD; MICHAEL MANDAHL; NICHOLAS MCDANIEL; MARY J. MORAN-SPICUZZA; GARY PINCAS; BRANDON POTTER; THOMAS PURDY; ROCCO RENGHINI; MICHELLE SINGLTON; KEN SMILEY; GREGORY M SONSTEIN; ROMAN STARNO; GAYLE A. STEPHENSON; ANDRES VILICANA; RICHARD WILLIAMS; BRADFORD L. HIRSCH; ASHLEY CEPHAS; DAVID E. HILL; CHAD MCKINNEY; MORDECHAI SCHIFFER; LISA SANDS; DONALD KENDIG; KEVIN GOBEL; ERIC LARSON; LIN MCKINNEY; RYAN CROSS; PHILLIP HOFFMAN; DEBRA SIMMONS; ABELARDO MORALES; PETER BLUMER; CAROLYN HAMMOND; MELISSA LEGGETT; KELLY MOFFETT; EVAN GROGAN; CARLOS MEDINA; ALBERTO DOMINGUEZ; CATHERINE BERNARD; MICHAEL BREIEN; LAURA GILL; THOMAS SCHILLE; JUDITH STANTON; RANDY RICKERT; BRYAN ZIRKEL; JAMES KUNDRAT; ROBERT SMITH; MARIA KOTOVA; JOSIPA CASEY; LUAN SNYDER; BEN BAKER; BRIAN NGUYEN; HATTIE WILLIAMS; BILL HOLVEY; LOURDES VARGAS; KENDALL SNYDER; NOMER MEDINA; SAMERIA GOFF; URSULA PYLAND; MARCELL CHAPMAN; KAYE KURASH; HOLLY AMROMIN; JOHN CHAPMAN; MARY D'ANGELO; GEORGE RUDY;

AYMAN MOUSA; SHELLY
HENDERSON; JEFFREY HATHAWAY;
DENNIS J. MURPHY; DOUGLAS A.
PATTERSON; JOHN GENTRY; LINDA
RUTH SCOTT; DANIELLE KAY
GILLELAND; JOSEPH BOWE; MICHAEL
DESOUTO,

Plaintiffs-Appellees,

GREG DIRENZO,

Petitioner-Appellee,

HYUNDAI MOTOR AMERICA; KIA
MOTORS AMERICA; KIA MOTORS
CORPORATION; GROSSINGER
AUTOPLEX, INC., FKA Grossinger
Hyundai; JOHN KRAFCIK; HYUNDAI
MOTOR COMPANY; SARAH
KUNDRAT,

Defendants-Appellees,

v.

PERI FETSCH,

Objector-Appellant.

In re: HYUNDAI AND KIA FUEL
ECONOMY LITIGATION

No. 15-56061

D.C. No.
2:13-ml-02424-GW-FFM

KEHLIE R. ESPINOSA; NICOLE MARIE
HUNTER; JEREMY WILTON; KAYLENE
P. BRADY; GUNTHER KRAUTH; ERIC
GRAEWINGHOLT; REECE PHILIP
THOMSON; ALEX MATURANI;
NILUFAR REZAI; JACK ROTTNER;
LYDIA KIEVIT; REBECCA SANDERS;
BOBBY BRANDON ARMSTRONG;
SERGIO TORRES; RICHARD
WOODRUFF; MARSHALL LAWRENCE
GORDON; JOEL A. LIPMAN; JAMES
GUDGALIS; MARY P. HOESSLER;
STEPHEN M. HAYES; BRIAN REEVES;
SAM HAMMOND; MARK LEGGETT;
EDWIN NAYTHONS; MICHAEL
WASHBURN; IRA D. DUNST; BRIAN
WEBER; KAMNEEL MAHARAJ; KIM
IOCOVOZZI; HERBERT J. YOUNG;
LINDA HASPER; LESLIE BAYARD;
TRICIA FELLERS; ORLANDO ELLIOTT;
JAMES BONSIGNORE; MARGARET
SETSER; GUILLERMO QUIROZ;
DOUGLAS KURASH; ANDRES
CARULLO; LAURA S. SUTTA;
GEORGIA L. THOMAS; ERIC J. OLSON;
JENNIFER MYERS; TOM WOODWARD;
JEROLD TERHOST; CAMERON JOHN
CESTARO; DONALD BROWN; MARIA
FIGUEROA; CONSTANCE MARTYN;
THOMAS GANIM; DANIEL
BALDESCHI; LILLIAN E. LEVOFF;
GIUSEPPINA ROBERTO; ROBERT
TRADER; SEAN GOLDSBERRY;

CYNTHIA NAVARRO; OWEN
CHAPMAN; MICHAEL BREIN; TRAVIS
BRISSEY; RONALD BURKARD; ADAM
CLOUTIER; STEVEN CRAIG; JOHN J.
DIXSON; ERIN L. FANTHORPE; ERIC
HADESH; MICHAEL P. KEETH; JOHN
KIRK MACDONALD; MICHAEL
MANDAHL; NICHOLAS MCDANIEL;
MARY J. MORAN-SPICUZZA; GARY
PINCAS; BRANDON POTTER; THOMAS
PURDY; ROCCO RENGHINI; MICHELLE
SINGLTEON; KEN SMILEY; GREGORY
M SONSTEIN; ROMAN STARNO;
GAYLE A. STEPHENSON; ANDRES
VILICANA; RICHARD WILLIAMS;
BRADFORD L. HIRSCH; ASHLEY
CEPHAS; DAVID E. HILL; CHAD
MCKINNEY; MORDECHAI SCHIFFER;
LISA SANDS; DONALD KENDIG;
KEVIN GOBEL; ERIC LARSON; LIN
MCKINNEY; RYAN CROSS; PHILLIP
HOFFMAN; DEBRA SIMMONS;
ABELARDO MORALES; PETER
BLUMER; CAROLYN HAMMOND;
MELISSA LEGGETT; KELLY MOFFETT;
EVAN GROGAN; CARLOS MEDINA;
ALBERTO DOMINGUEZ; CATHERINE
BERNARD; MICHAEL BREIEN; LAURA
GILL; THOMAS SCHILLE; JUDITH
STANTON; RANDY RICKERT; BRYAN
ZIRKEL; JAMES KUNDRAT; ROBERT
SMITH; MARIA KOTOVA; JOSIPA
CASEY; LUAN SNYDER; BEN BAKER;
BRIAN NGUYEN; HATTIE WILLIAMS;
BILL HOLVEY; LOURDES VARGAS;
KENDALL SNYDER; NOMER MEDINA;
SAMERIA GOFF; URSULA PYLAND;
MARCELL CHAPMAN; KAYE KURASH;
HOLLY AMROMIN; JOHN CHAPMAN;

MARY D'ANGELO; GEORGE RUDY;
AYMAN MOUSA; SHELLY
HENDERSON; JEFFREY HATHAWAY;
DENNIS J. MURPHY; DOUGLAS A.
PATTERSON; JOHN GENTRY; LINDA
RUTH SCOTT; DANIELLE KAY
GILLELAND; JOSEPH BOWE; MICHAEL
DESOUTO,

Plaintiffs-Appellees,

GREG DIRENZO,

Petitioner-Appellee,

HYUNDAI MOTOR AMERICA; KIA
MOTORS AMERICA; KIA MOTORS
CORPORATION; GROSSINGER
AUTOPLEX, INC., FKA Grossinger
Hyundai; JOHN KRAFCIK; HYUNDAI
MOTOR COMPANY; SARAH
KUNDRAT,

Defendants-Appellees,

v.

DANA ROLAND,

Objector-Appellant.

In re: HYUNDAI AND KIA FUEL
ECONOMY LITIGATION,

No. 15-56064

D.C. No.
2:13-ml-02424-GW-FFM

KEHLIE R. ESPINOSA; NICOLE MARIE
HUNTER; JEREMY WILTON; KAYLENE
P. BRADY; GUNTHER KRAUTH; ERIC
GRAEWINGHOLT; REECE PHILIP
THOMSON; ALEX MATURANI;
NILUFAR REZAI; JACK ROTTNER;
LYDIA KIEVIT; REBECCA SANDERS;
BOBBY BRANDON ARMSTRONG;
SERGIO TORRES; RICHARD
WOODRUFF; MARSHALL LAWRENCE
GORDON; JOEL A. LIPMAN; JAMES
GUDGALIS; MARY P. HOESSLER;
STEPHEN M. HAYES; BRIAN REEVES;
SAM HAMMOND; MARK LEGGETT;
EDWIN NAYTHONS; MICHAEL
WASHBURN; IRA D. DUNST; BRIAN
WEBER; KAMNEEL MAHARAJ; KIM
IOCOVOZZI; HERBERT J. YOUNG;
LINDA HASPER; LESLIE BAYARD;
TRICIA FELLERS; ORLANDO ELLIOTT;
JAMES BONSIGNORE; MARGARET
SETSER; GUILLERMO QUIROZ;
DOUGLAS KURASH; ANDRES
CARULLO; LAURA S. SUTTA;
GEORGIA L. THOMAS; ERIC J. OLSON;
JENNIFER MYERS; TOM WOODWARD;
JEROLD TERHOST; CAMERON JOHN
CESTARO; DONALD BROWN; MARIA
FIGUEROA; CONSTANCE MARTYN;
THOMAS GANIM; DANIEL
BALDESCHI; LILLIAN E. LEVOFF;
GIUSEPPINA ROBERTO; ROBERT
TRADER; SEAN GOLDSBERRY;

CYNTHIA NAVARRO; OWEN
CHAPMAN; MICHAEL BREIN; TRAVIS
BRISSEY; RONALD BURKARD; ADAM
CLOUTIER; STEVEN CRAIG; JOHN J.
DIXSON; ERIN L. FANTHORPE; ERIC
HADESH; MICHAEL P. KEETH; JOHN
KIRK MACDONALD; MICHAEL
MANDAHL; NICHOLAS MCDANIEL;
MARY J. MORAN-SPICUZZA; GARY
PINCAS; BRANDON POTTER; THOMAS
PURDY; ROCCO RENGHINI; MICHELLE
SINGLTEON; KEN SMILEY; GREGORY
M SONSTEIN; ROMAN STARNO;
GAYLE A. STEPHENSON; ANDRES
VILICANA; RICHARD WILLIAMS;
BRADFORD L. HIRSCH; ASHLEY
CEPHAS; DAVID E. HILL; CHAD
MCKINNEY; MORDECHAI SCHIFFER;
LISA SANDS; DONALD KENDIG;
KEVIN GOBEL; ERIC LARSON; LIN
MCKINNEY; RYAN CROSS; PHILLIP
HOFFMAN; DEBRA SIMMONS;
ABELARDO MORALES; PETER
BLUMER; CAROLYN HAMMOND;
MELISSA LEGGETT; KELLY MOFFETT;
EVAN GROGAN; CARLOS MEDINA;
ALBERTO DOMINGUEZ; CATHERINE
BERNARD; MICHAEL BREIEN; LAURA
GILL; THOMAS SCHILLE; JUDITH
STANTON; RANDY RICKERT; BRYAN
ZIRKEL; JAMES KUNDRAT; ROBERT
SMITH; MARIA KOTOVA; JOSIPA
CASEY; LUAN SNYDER; BEN BAKER;
BRIAN NGUYEN; HATTIE WILLIAMS;
BILL HOLVEY; LOURDES VARGAS;
KENDALL SNYDER; NOMER MEDINA;
SAMERIA GOFF; URSULA PYLAND;
MARCELL CHAPMAN; KAYE KURASH;
HOLLY AMROMIN; JOHN CHAPMAN;

MARY D'ANGELO; GEORGE RUDY;
AYMAN MOUSA; SHELLY
HENDERSON; JEFFREY HATHAWAY;
DENNIS J. MURPHY; DOUGLAS A.
PATTERSON; JOHN GENTRY;
DANIELLE KAY GILLELAND; JOSEPH
BOWE; MICHAEL DESOUTO,

Plaintiffs-Appellees,

GREG DIRENZO,

Petitioner-Appellee,

HYUNDAI MOTOR AMERICA; KIA
MOTORS AMERICA; KIA MOTORS
CORPORATION; GROSSINGER
AUTOPLEX, INC., FKA Grossinger
Hyundai; JOHN KRAFCIK; HYUNDAI
MOTOR COMPANY; SARAH
KUNDRAT,

Defendants-Appellees.

v.

LINDA RUTH SCOTT,

Objector-Appellant.

In re: HYUNDAI AND KIA FUEL
ECONOMY LITIGATION

No. 15-56067

D.C. No.
2:13-ml-02424-GW-FFM

JOHN GENTRY; LINDA RUTH SCOTT;
DANIELLE KAY GILLELAND; JOSEPH
BOWE; MICHAEL DESOUTO,

Plaintiffs,

and

JAMES BEN FEINMAN,

Appellant,

v.

HYUNDAI MOTOR AMERICA; KIA
MOTORS AMERICA; KIA MOTORS
CORPORATION; GROSSINGER
AUTOPLEX, INC., FKA Grossinger
Hyundai; JOHN KRAFCIK; HYUNDAI
MOTOR COMPANY; SARAH
KUNDRAT,

Defendants-Appellees.

THOMAS, 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 disposition in these cases shall not be cited as precedent by or to any court of the Ninth Circuit.

Judges Wardlaw and Callahan did not participate in the deliberations or vote in these cases.