

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

DEC 30 2019

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

MONSTER ENERGY COMPANY, FKA
Hansen Beverage Company,

Petitioner-Appellee,

v.

CITY BEVERAGES, LLC, DBA Olympic
Eagle Distributing,

Respondent-Appellant.

Nos. 17-55813, 17-56082

D.C. No.

5:17-cv-00295-RGK-KK
Central District of California,
Riverside

ORDER

Before: M. SMITH and FRIEDLAND, Circuit Judges, and SIMON,* District Judge.

Judges M. Smith and Simon voted to deny the petition for panel rehearing, and Judge Friedland voted to grant it. Dkt. 105. Judge M. Smith voted to deny the petition for rehearing en banc and Judge Simon so recommends. Dkt. 105. Judge Friedland 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 petitions for panel rehearing and rehearing en banc are DENIED.

* The Honorable Michael H. Simon, United States District Judge for the District of Oregon, sitting by designation.