

FILED

UNITED STATES COURT OF APPEALS

OCT 28 2009

FOR THE NINTH CIRCUIT

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

In re: THE EXXON VALDEZ,

No. 04-35182

GRANT BAKER; SEA HAWK
SEAFOODS, INC.; COOK INLET
PROCESSORS INC.; SAGAYA CORP.;
WILLIAM MCMURREN; PATRICK L.
MCMURREN; WILLIAM W. KING;
GEORGE C. NORRIS; HUNTER
CRANZ; RICHARD FEENSTRA;
WILDERNESS SAILING SAFARIS;
SEAFOOD SALES, INC.; RAPID
SYSTEMS PACIFIC LTD.; NAUTILUS
MARINE ENTERPRISES INC.;
WILLIAM FINDLAY ABBOTT, Jr.,

D.C. No. CV-89-00095-HRH
District of Alaska,
Anchorage

ORDER

Plaintiffs - Appellees,

v.

EXXON MOBIL CORP.; EXXON
SHIPPING CO.,

Defendants - Appellants.

In re: THE EXXON VALDEZ,

No. 04-35183

GRANT BAKER; SEA HAWK
SEAFOODS, INC.; COOK INLET

D.C. No. CV-89-00095-HRH
District of Alaska,
Anchorage

PROCESSORS INC.; SAGAYA CORP.;
WILLIAM MCMURREN; PATRICK L.
MCMURREN; WILLIAM W. KING;
GEORGE C. NORRIS; HUNTER
CRANZ; RICHARD FEENSTRA;
WILDERNESS SAILING SAFARIS;
SEAFOOD SALES, INC.; RAPID
SYSTEMS PACIFIC LTD.; NAUTILUS
MARINE ENTERPRISES INC.;
WILLIAM FINDLAY ABBOTT, Jr.,

Plaintiffs - Appellants,

v.

EXXON MOBIL CORP.; EXXON
SHIPPING CO.,

Defendants - Appellees.

Before: SCHROEDER, KLEINFELD, and THOMAS, Circuit Judges.

Judges Schroeder and Thomas have voted to deny the petition for panel rehearing and petition for rehearing en banc. Judge Kleinfeld has voted to grant the petition for panel rehearing and petition for rehearing en banc.

The full court was advised of the petition for rehearing en banc. A judge requested a vote on whether to rehear the matter en banc. The matter failed to receive a majority of the votes of the nonrecused active judges in favor of en banc consideration. Fed. R. App. P. 35.

The petition for panel rehearing and the petition for rehearing en banc are denied.