

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

FEB 16 2024

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

MARCIA STEIN; et al.,

Plaintiffs-Appellants,

and

UNITED STATES OF AMERICA,

Plaintiff,

v.

KAISER FOUNDATION HEALTH PLAN,  
INC., a California corporation; et al.,

Defendants-Appellees.

No. 22-15862

D.C. Nos. 3:16-cv-05337-EMC  
3:13-cv-03891-EMC

Northern District of California,  
San Francisco

ORDER

Before: BOGGS,\* S.R. THOMAS, and FORREST, Circuit Judges.

Appellee Kaiser Foundation Health Plan is directed to file a response to Appellant's petition for panel rehearing and for rehearing en banc, filed with this court on February 5, 2024. The response shall not exceed 15 pages or 4,200 words, and shall be filed within twenty-one (21) days of the filed date of this order.

---

\* The Honorable Danny J. Boggs, United States Circuit Judge for the U.S. Court of Appeals for the Sixth Circuit, sitting by designation.