

FILED

FOR PUBLICATION

UNITED STATES COURT OF APPEALS

MAY 8 2024

FOR THE NINTH CIRCUIT

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

MARCIA STEIN; RODOLFO BONE, Qui
Tam Relators; ex rel. United States of
America,

Plaintiffs-Appellants,

and

UNITED STATES OF AMERICA,

Plaintiff,

v.

KAISER FOUNDATION HEALTH PLAN,
INC., a California corporation; KAISER
FOUNDATION HOSPITALS, a California
corporation; KAISER FOUNDATION
HEALTH PLAN OF COLORADO, A
Colorado Corporaton; KAISER
FOUNDATION HEALTH PLAN OF
GEORGIA, INC., a Georgia corporation;
KAISER FOUNDATION HEALTH PLAN
OF THE MID-ATLANTIC STATES, INC.,
a Maryland corporation; KAISER
FOUNDATION HEALTH PLAN OF THE
NORTHWEST, an Oregon corporation;
KAISER FOUNDATION HEALTH PLAN
OF WASHINGTON, a Washington
corporation; PERMANENTE MEDICAL
GROUP, INC., a California corporation;
SOUTHERN CALIFORNIA
PERMANENTE MEDICAL GROUP;

No. 22-15862

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

Northern District of California,
San Francisco

ORDER

COLORADO PERMANENTE MEDICAL GROUP, a Colorado corporation;
SOUTHEAST PERMANENTE MEDICAL GROUP; HAWAII PERMANENTE MEDICAL GROUP; MID-ATLANTIC PERMANENTE MEDICAL GROUP;
NORTHWEST PERMANENTE, P.C.; GROUP HEALTH PERMANENTE;
KAISER PERMANENTE,

Defendants-Appellees.

MURGUIA, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Federal Rule of Appellate Procedure 35(a) and Circuit Rule 35-3. The three-judge panel disposition is vacated.

Judges Ikuta and Owens did not participate in the deliberations or vote in this case.