

S277893

General Docket

United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 21-16093

Docketed: 06/29/2021

Nature of Suit: 4110 Insurance

Termed: 12/28/2022

Another Planet Entertainment v. Vigilant Insurance Company

Appeal From: U.S. District Court for Northern California, San Francisco

Fee Status: Paid

Case Type Information:

- 1) civil
- 2) private
- 3) null

Originating Court Information:

District: 0971-3 : 3:20-cv-07476-VC

Trial Judge: Vince Chhabria, District Judge

Date Filed: 10/23/2020

Date Order/Judgment:

Date Order/Judgment EOD:

Date NOA Filed:

Date Rec'd COA:

06/21/2021

06/21/2021

06/28/2021

06/28/2021

Prior Cases:

None

Current Cases:

None

ANOTHER PLANET ENTERTAINMENT, LLC
Plaintiff – Appellant,

Anamay M. Carmel
Terminated: 02/03/2022
Email: a_carmel@apple.com
[COR NTC Retained]
Pasich, LLP
10880 Wilshire Boulevard
Suite 2000
Los Angeles, CA 90024

Nathan M. Davis
Direct: 424-313-7860
Email: ndavis@pasichllp.com
Fax: 424-313-7890
[COR NTC Retained]
Pasich, LLP
10880 Wilshire Boulevard
Suite 2000
Los Angeles, CA 90024

Kirk Pasich, Attorney
Direct: 424-313-7860
Email: kpasich@pasichllp.com
[COR NTC Retained]
Pasich, LLP
10880 Wilshire Boulevard
Suite 2000
Los Angeles, CA 90024

Arianna M. Young, Esquire
Direct: 424-313-7837
Email: ayoung@pasichllp.com
[COR NTC Retained]
Pasich, LLP
10880 Wilshire Boulevard
Suite 2000
Los Angeles, CA 90024

v.

VIGILANT INSURANCE COMPANY
Defendant – Appellee,

Gretchen Sigridur Carner
Direct: 213-358-7600
Email: gretchen.carner@clydeco.us
Fax: 213-358-7650
[COR NTC Retained]
Clyde & Co US, LLP
355 Grand Avenue
Suite 1400
Los Angeles, CA 90071

Douglas J. Collodel, Esquire
Direct: 213-358-7632
Email: douglas.collodel@clydeco.us

Fax: 213-358-7699
[COR NTC Retained]
Clyde & Co US, LLP
355 Grand Avenue
Suite 1400
Los Angeles, CA 90071

Jeremy Girton
Terminated: 03/15/2022
Email: jeremy.girton@dc.gov
[COR NTC Retained]
O'Melveny & Myers, LLP
1625 Eye Street, NW
Washington, DC 20006

Jeremy Girton
Terminated: 03/22/2022
Direct: 202-724-2029
Email: jeremy.girton@dc.gov
[COR NTC Retained]
Office of the Attorney General
Office of the Solicitor General
400 6th Street, NW
Suite 8100
Washington, DC 20001

Jenya Godina
Direct: 202-383-5245
Email: jgodina@omm.com
[COR NTC Retained]
O'Melveny & Myers, LLP
1625 Eye Street, NW
Washington, DC 20006

Jonathan Hacker
Email: jhacker@omm.com
[COR NTC Retained]
O'Melveny & Myers, LLP
1625 Eye Street, NW
Washington, DC 20006

Brett Charles Safford, Attorney
Direct: 213-358-7672
Email: Brett.Safford@clydeco.us
Fax: 213-358-7650
[COR NTC Retained]
Clyde & Co US, LLP
355 Grand Avenue
Suite 1400
Los Angeles, CA 90071

Susan Koehler Sullivan, Attorney
Direct: 213-426-6900

Email: susan.sullivan@clydeco.us

Fax: 213-426-6921

[COR NTC Retained]

Sedgwick LLP

Firm: 213-426-6900

801 S. Figueroa Street

19th Floor

Los Angeles, CA 90017

ANOTHER PLANET ENTERTAINMENT, LLC,

Plaintiff – Appellant,

v.

VIGILANT INSURANCE COMPANY,

Defendant – Appellee.

- 06/29/2021 1 DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. SEND MQ: Yes. The schedule is set as follows: Appellant Another Planet Entertainment, LLC Mediation Questionnaire due on 07/06/2021. Appellant Another Planet Entertainment, LLC opening brief due 08/27/2021. Appellee Vigilant Insurance Company answering brief due 09/27/2021. Appellant's optional reply brief is due 21 days after service of the answering brief. [12157391] (JBS) [Entered: 06/29/2021 11:18 AM]
- 07/06/2021 2 Filed (ECF) Appellant Another Planet Entertainment, LLC Mediation Questionnaire. Date of service: 07/06/2021. [12163735] [21-16093] (Pasich, Kirk) [Entered: 07/06/2021 02:32 PM]
- 07/06/2021 3 The Mediation Questionnaire for this case was filed on 07/06/2021. To submit pertinent **confidential** information directly to the Circuit Mediators, please use the following [link](#). Confidential submissions may include any information relevant to mediation of the case and settlement potential, including, but not limited to, settlement history, ongoing or potential settlement discussions, non-litigated party related issues, other pending actions, and timing considerations that may impact mediation efforts.[12164360]. [21-16093] (AD) [Entered: 07/06/2021 06:44 PM]
- 07/07/2021 4 MEDIATION CONFERENCE SCHEDULED – DIAL-IN AssessmentConference, 07/27/2021, 11:00 a.m., PACIFIC Time. The briefing schedule previously set by the court remains in effect. See order for instructions and details. [12165223] (VS) [Entered: 07/07/2021 01:48 PM]
- 07/07/2021 5 Filed (ECF) notice of appearance of Susan Koehler Sullivan (Clyde & Co US LLP355 S. Grand Avenue, Suite 1400, Los Angeles, CA 90071-1562) for Appellee Vigilant Insurance Company. Date of service: 07/07/2021. (Party was previously proceeding with counsel.) [12165494] [21-16093] (Sullivan, Susan) [Entered: 07/07/2021 03:30 PM]
- 07/07/2021 6 Added Attorney(s) Susan Koehler Sullivan for party(s) Appellee Vigilant Insurance Company. [12165530] (RL) [Entered: 07/07/2021 03:41 PM]
- 07/07/2021 7 Filed (ECF) notice of appearance of Douglas J. Collodel (Clyde & Co US LLP, 355 S. Grand Avenue, Suite 1400, Los Angeles, California 90071-1562) for Appellee Vigilant Insurance Company. Date of service: 07/07/2021. (Party was previously proceeding with counsel.) [12165585] [21-16093] (Collodel, Douglas) [Entered: 07/07/2021 03:58 PM]
- 07/07/2021 8 Added Attorney(s) Douglas J. Collodel for party(s) Appellee Vigilant Insurance Company. [12165627] (RL) [Entered: 07/07/2021 04:11 PM]
- 07/27/2021 9 Filed (ECF) notice of appearance of Jonathan D. Hacker (O'Melveny & Myers LLP; 1625 Eye Street, NW; Washington, DC 20006) for Appellee Vigilant Insurance Company. Date of service: 07/27/2021. (Party was previously proceeding with counsel.) [12183652] [21-16093] (Hacker, Jonathan) [Entered: 07/27/2021 07:03 AM]
- 07/27/2021 10 Filed (ECF) notice of appearance of Jeremy R. Girton (O'Melveny & Myers LLP; 1625 Eye Street, NW; Washington, DC 20006) for Appellee Vigilant Insurance Company. Date of service: 07/27/2021. (Party was previously proceeding with counsel.) [12183663] [21-16093] (Girton, Jeremy) [Entered: 07/27/2021 07:28 AM]
- 07/27/2021 11 Added Attorney(s) Jeremy Girton, Jonathan Hacker for party(s) Appellee Vigilant Insurance Company, in case 21-16093. [12183686] (NAC) [Entered: 07/27/2021 07:50 AM]
- 07/27/2021 12 MEDIATION CONFERENCE SCHEDULED – DIAL-IN Conference, 09/27/2021, 11:00 a.m., Pacific Time. The briefing schedule previously set by the court is amended as follows: Appellant Another Planet Entertainment, LLC opening brief due 11/05/2021. Appellee Vigilant Insurance Company answering brief due 12/13/2021. Appellants optional reply brief is due within 21 days afer service of the answering brief. See order for details. [12184368] (VS) [Entered: 07/27/2021 01:58 PM]

- 09/27/2021 13 MEDIATION CONFERENCE SCHEDULED – DIAL-IN Conference, 11/03/2021, 1:30 p.m. Pacific Time. The briefing schedule previously set by the court is amended as follows: Appellant Another Planet Entertainment, LLC opening brief due 12/15/2021. Appellee Vigilant Insurance Company answering brief due 01/14/2022. Appellant's optional reply brief is due within 21 days after service of the answering brief. See order for details. [12240123] (CL) [Entered: 09/27/2021 02:03 PM]
- 11/03/2021 14 MEDIATION CONFERENCE SCHEDULED – DIAL-IN Conference, 01/18/2022, 1:00 p.m., Pacific Time. The briefing schedule previously set by the court is amended as follows: Appellant Another Planet Entertainment, LLC opening brief due 03/01/2022. Appellee Vigilant Insurance Company answering brief due 03/31/2022. Appellants optional reply brief is due within 21 days after service of the answering brief. See order for details. [12277311] (VS) [Entered: 11/03/2021 02:02 PM]
- 01/18/2022 15 MEDIATION ORDER FILED: This case is RELEASED from the Mediation Program. All further inquiries regarding this appeal, including request for extensions of time, should be directed to the Clerk's Office. Counsel are requested to contact the Circuit Mediator should circumstances develop that warrant settlement discussions while the appeal is pending. [12343219] (VS) [Entered: 01/18/2022 01:40 PM]
- 01/20/2022 16 Filed order MEDIATION (RGA): The briefing schedule previously set by the court is amended as follows: appellant's opening brief is due April 08, 2022; appellee's answering brief is due June 03, 2022; appellant's optional reply brief is due within 21 days from the service date of the answering brief. [12345531] (AF) [Entered: 01/20/2022 09:46 AM]
- 02/02/2022 17 Filed (ECF) Notice of withdrawal of counsel. Filed by Attorney Anamay M. Carmel for Appellant Another Planet Entertainment, LLC. Party proceeding without counsel: No. Date of service: 02/02/2022. [12359485] [21-16093] (Carmel, Anamay) [Entered: 02/02/2022 05:57 PM]
- 02/02/2022 18 Filed (ECF) notice of appearance of Nathan Mandell Davis (Pasich LLP, 10880 Wilshire Boulevard, Suite 2000, Los Angeles, CA 90024) for Appellant Another Planet Entertainment, LLC. Substitution for Attorney Anamay M. Carmel for Appellant Another Planet Entertainment, LLC. Date of service: 02/02/2022. (Party was previously proceeding with counsel.) [12359488] [21-16093] (Davis, Nathan) [Entered: 02/02/2022 06:03 PM]
- 02/03/2022 19 Attorney Anamay M. Carmel in 21-16093 substituted by Attorney Nathan Davis in 21-16093 [12359555] (NAC) [Entered: 02/03/2022 07:15 AM]
- 03/22/2022 20 Filed (ECF) Notice of withdrawal of counsel. Filed by Attorney Jeremy Girton for Appellee Vigilant Insurance Company. Party proceeding without counsel: No. Date of service: 03/22/2022. [12401123] [21-16093] (Girton, Jeremy) [Entered: 03/22/2022 07:02 AM]
- 03/22/2022 21 Terminated Jeremy Girton for Vigilant Insurance Company in 21-16093 [12401141] (NAC) [Entered: 03/22/2022 07:19 AM]
- 04/02/2022 22 Filed (ECF) Streamlined request for extension of time to file Opening Brief by Appellant Another Planet Entertainment, LLC. New requested due date is 05/06/2022. [12411183] [21-16093] (Davis, Nathan) [Entered: 04/02/2022 09:20 AM]
- 04/04/2022 23 **Streamlined request [22] by Appellant Another Planet Entertainment, LLC to extend time to file the brief is approved. Streamlined requests allow for a 30 day extension of time to file the brief. Amended briefing schedule: Appellant Another Planet Entertainment, LLC opening brief due 05/09/2022. Appellee Vigilant Insurance Company answering brief due 07/08/2022. The optional reply brief is due 21 days from the date of service of the answering brief.** [12411856] (JN) [Entered: 04/04/2022 12:44 PM]
- 05/03/2022 24 Filed (ECF) notice of appearance of Jenya Godina (O'Melveny and Myers LLP 1625 Eye Street, NW Washington, DC 20006) for Appellee Vigilant Insurance Company. Date of service: 05/03/2022. (Party was previously proceeding with counsel.) [12436789] [21-16093] (Godina, Jenya) [Entered:

05/03/2022 10:03 AM]

05/03/2022 25 Added Attorney(s) Jenya Godina for party(s) Appellee Vigilant Insurance Company, in case 21-16093. [12436828] (NAC) [Entered: 05/03/2022 10:34 AM]

05/04/2022 26 Filed (ECF) Appellant Another Planet Entertainment, LLC Unopposed Motion to extend time to file Opening brief until 06/06/2022. Date of service: 05/04/2022. [12438505] [21-16093] (Davis, Nathan) [Entered: 05/04/2022 04:03 PM]

05/05/2022 27 Filed clerk order (Deputy Clerk: LKK): (ECF Filing) filed by Appellant Another Planet Entertainment, LLC; Granting Motion [26] (ECF Filing) motion to extend time to file brief filed by Appellant Another Planet Entertainment, LLC. Appellant Another Planet Entertainment, LLC opening brief due 06/06/2022. Appellee Vigilant Insurance Company answering brief due 07/06/2022. The optional reply brief is due 21 days after service of the answering brief. [12438713] (LKK) [Entered: 05/05/2022 07:59 AM]

06/06/2022 28 Submitted (ECF) Opening Brief for review. Submitted by Appellant Another Planet Entertainment, LLC. Date of service: 06/06/2022. [12464881] [21-16093] (Pasich, Kirk) [Entered: 06/06/2022 09:28 PM]

06/06/2022 29 Submitted (ECF) excerpts of record. Submitted by Appellant Another Planet Entertainment, LLC. Date of service: 06/06/2022. [12464886] [21-16093] (Pasich, Kirk) [Entered: 06/06/2022 09:37 PM]

06/07/2022 30 Filed clerk order: The opening brief [28] submitted by Another Planet Entertainment, LLC is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: blue. The excerpts of record [29] submitted by Another Planet Entertainment, LLC are filed. Within 7 days of this order, filer is ordered to file 3 copies of the excerpts in paper format securely bound on the left side, with white covers. The paper copies shall be submitted to the principal office of the Clerk. [12465042] (KWG) [Entered: 06/07/2022 08:57 AM]

06/07/2022 31 Filed (ECF) Streamlined request for extension of time to file Answering Brief by Appellee Vigilant Insurance Company. New requested due date is 08/05/2022. [12465276] [21-16093] (Hacker, Jonathan) [Entered: 06/07/2022 10:59 AM]

06/07/2022 32 **Streamlined request [31] by Appellee Vigilant Insurance Company to extend time to file the brief is approved. Amended briefing schedule: Appellee Vigilant Insurance Company answering brief due 08/05/2022. The optional reply brief is due 21 days from the date of service of the answering brief.** [12465327] (JN) [Entered: 06/07/2022 11:26 AM]

06/10/2022 33 Received 3 paper copies of excerpts of record [29] in 4 volumes and index volume filed by Appellant Another Planet Entertainment, LLC. [12468608] (MAE) [Entered: 06/10/2022 01:45 PM]

06/10/2022 34 Received 6 paper copies of Opening Brief [28] filed by Another Planet Entertainment, LLC. [12468682] (SD) [Entered: 06/10/2022 02:14 PM]

07/13/2022 35 Filed (ECF) Appellant Another Planet Entertainment, LLC citation of supplemental authorities. Date of service: 07/13/2022. [12492982] [21-16093] (Davis, Nathan) [Entered: 07/13/2022 01:44 PM]

08/05/2022 36 Submitted (ECF) Answering Brief for review. Submitted by Appellee Vigilant Insurance Company. Date of service: 08/05/2022. [12510729] [21-16093] (Hacker, Jonathan) [Entered: 08/05/2022 02:54 PM]

08/05/2022 37 Filed clerk order: The answering brief [36] submitted by Vigilant Insurance Company is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: red. The paper copies shall be submitted to the principal office

of the Clerk. [12510951] (KWG) [Entered: 08/05/2022 04:58 PM]

08/09/2022 38 Received 6 paper copies of Answering Brief [36] filed by Vigilant Insurance Company. [12513087] (CPA) [Entered: 08/09/2022 11:57 AM]

08/19/2022 39 This case is being considered for an upcoming oral argument calendar in Pasadena.

Please review the Pasadena sitting dates for December 2022 and the 2 subsequent sitting months in that location at http://www.ca9.uscourts.gov/court_sessions. If you have an unavoidable conflict on any of the dates, please file **Form 32 within 3 business days of this notice** using the CM/ECF filing type **Response to Case Being Considered for Oral Argument**. Please follow the form's instructions carefully.

When setting your argument date, the court will try to work around unavoidable conflicts; the court is not able to accommodate mere scheduling preferences. You will receive notice that your case has been assigned to a calendar approximately 10 weeks before the scheduled oral argument date.

If the parties wish to discuss settlement before an argument date is set, they should jointly request referral to the mediation unit by filing a letter **within 3 business days of this notice**, using CM/ECF (**Type of Document:** Correspondence to Court; **Subject:** request for mediation). [12521788] (AML) [Entered: 08/19/2022 04:39 PM]

08/19/2022 40 Filed (ECF) Attorney Mr. Kirk Pasich for Appellant Another Planet Entertainment, LLC response to notice for case being considered for oral argument. Date of service: 08/19/2022. [12521882] [21-16093] (Pasich, Kirk) [Entered: 08/19/2022 06:17 PM]

08/22/2022 41 Filed (ECF) Attorney Jonathan Hacker for Appellee Vigilant Insurance Company response to notice for case being considered for oral argument. Date of service: 08/22/2022. [12521981] [21-16093] (Hacker, Jonathan) [Entered: 08/22/2022 07:40 AM]

08/26/2022 42 Submitted (ECF) Reply Brief for review. Submitted by Appellant Another Planet Entertainment, LLC. Date of service: 08/26/2022. [12527829] [21-16093] (Pasich, Kirk) [Entered: 08/26/2022 05:08 PM]

08/29/2022 43 Filed clerk order: The reply brief [42] submitted by Another Planet Entertainment, LLC is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: gray. The paper copies shall be submitted to the principal office of the Clerk. [12528056] (KT) [Entered: 08/29/2022 08:31 AM]

08/30/2022 44 Received 6 paper copies of Reply Brief [42] filed by Another Planet Entertainment, LLC. [12529456] (SD) [Entered: 08/30/2022 11:15 AM]

09/25/2022 45 Notice of Oral Argument on Friday, December 9, 2022 – 09:00 A.M. – Courtroom 2 – Scheduled Location: Pasadena CA.
The hearing time is the local time zone at the scheduled hearing location.

View the Oral Argument Calendar for your case [here](#).

NOTE: Although your case is currently scheduled for oral argument, the panel may decide to submit the case on the briefs instead. *See* Fed. R. App. P. 34. Absent further order of the court, if the court does determine that oral argument is required in this case, you may have the option to appear in person at the Courthouse or remotely by video. Anyone appearing in person must review and comply with our Protocols for In Person Hearings, available [here](#). At this time, an election to appear remotely by video will not require a motion. The court expects and supports the fact that some attorneys and some judges will continue to appear remotely. If the panel determines that it will hold oral argument in your case, the Clerk's Office will contact you directly at least two weeks before the set argument date to review

any requirements for in person appearance or to make any necessary arrangements for remote appearance.

Please note however that if you do elect to appear remotely, the court **strongly prefers** video over telephone appearance. Therefore, if you wish to appear remotely by telephone you will need to file a motion requesting permission to do so.

Be sure to review the **GUIDELINES** for important information about your hearing, including when to be available (30 minutes before the hearing time) and when and how to submit additional citations (filing electronically as far in advance of the hearing as possible).

If you are the specific attorney or self-represented party who will be arguing, use the **ACKNOWLEDGMENT OF HEARING NOTICE** filing type in CM/ECF no later than 28 days before Friday, December 9, 2022. No form or other attachment is required. If you will not be arguing, do not file an acknowledgment of hearing notice.[12548524]. [21-16093] (KS) [Entered: 09/25/2022 06:10 AM]

- 09/27/2022 46 Filed (ECF) Acknowledgment of hearing notice by Attorney Mr. Kirk Pasich for Appellant Another Planet Entertainment, LLC. Hearing in Pasadena on 12/09/2022 at 09:00 A.M. (Courtroom: Courtroom 2). Filer sharing argument time: No. (Argument minutes: 15) Appearance in person or by video: I wish to appear in person. Special accommodations: NO. Filer admission status: I certify that I am admitted to practice before this Court. Date of service: 09/27/2022. [12550383] [21-16093] (Pasich, Kirk) [Entered: 09/27/2022 10:49 AM]
- 09/27/2022 47 Filed (ECF) Acknowledgment of hearing notice by Attorney Jonathan Hacker for Appellee Vigilant Insurance Company. Hearing in Pasadena on 12/09/2022 at 09:00 A.M. (Courtroom: courtroom 2). Filer sharing argument time: No. (Argument minutes: 15) Appearance in person or by video: I wish to appear in person. Special accommodations: NO. Filer admission status: I certify that I am admitted to practice before this Court. Date of service: 09/27/2022. [12550755] [21-16093] (Hacker, Jonathan) [Entered: 09/27/2022 02:10 PM]
- 12/02/2022 48 Filed (ECF) Appellee Vigilant Insurance Company citation of supplemental authorities. Date of service: 12/02/2022. [12601016] [21-16093] (Hacker, Jonathan) [Entered: 12/02/2022 01:03 PM]
- 12/07/2022 49 Filed (ECF) Appellant Another Planet Entertainment, LLC citation of supplemental authorities. Date of service: 12/07/2022. [12604845] [21-16093] (Pasich, Kirk) [Entered: 12/07/2022 04:02 PM]
- 12/08/2022 50 Filed (ECF) Appellee Vigilant Insurance Company citation of supplemental authorities. Date of service: 12/08/2022. [12605917] [21-16093] (Hacker, Jonathan) [Entered: 12/08/2022 03:16 PM]
- 12/09/2022 51 ARGUED AND SUBMITTED TO CARLOS T. BEA, SANDRA S. IKUTA and MORGAN B. CHRISTEN. [12606710] (WWP) [Entered: 12/09/2022 11:45 AM]
- 12/14/2022 52 Filed Audio recording of oral argument.
Note: Video recordings of public argument calendars are available on the Court's website, at <http://www.ca9.uscourts.gov/media/>
[12611048] (DLM) [Entered: 12/14/2022 06:17 PM]
- 12/19/2022 53 Filed (ECF) Appellee Vigilant Insurance Company citation of supplemental authorities. Date of service: 12/19/2022. [12613307] [21-16093] (Hacker, Jonathan) [Entered: 12/19/2022 08:37 AM]
- 12/19/2022 54 Filed (ECF) Appellant Another Planet Entertainment, LLC citation of supplemental authorities. Date of service: 12/19/2022. [12613704] [21-16093] (Pasich, Kirk) [Entered: 12/19/2022 11:00 AM]
- 12/20/2022 55 Filed (ECF) Appellee Vigilant Insurance Company citation of supplemental authorities. Date of service: 12/20/2022. [12614801] [21-16093] (Hacker, Jonathan) [Entered: 12/20/2022 11:17 AM]

12/28/2022 56

Order filed for PUBLICATION (CARLOS T. BEA, SANDRA S. IKUTA and MORGAN B. CHRISTEN) We respectfully ask the California Supreme Court to answer the certified question presented below, pursuant to California Rule of Court 8.548, because we have concluded that resolution of this question of California law “could determine the outcome of a matter pending in [this] court,” and “[t]here is no controlling precedent” in the decisions of the California Supreme Court. Cal. R. Ct. 8.548(a) (SEE ORDER FOR FULL TEXT). The clerk of our court is hereby ordered to transmit forthwith to the California Supreme Court, under official seal of the United States Court of Appeals for the Ninth Circuit, a copy of this order and all relevant briefs and excerpts of record, along with a certificate of service on the parties. Cal. R. Ct. 8.548(c), (d). Further proceedings in our court are stayed pending the California Supreme Court’s decision on whether it will accept review, and if so, receipt of the answer to the certified question. This case is withdrawn from submission until further order from this court. The Clerk is directed to administratively close this docket, pending further order. The panel will resume control and jurisdiction on the certified question upon receiving an answer to the certified question or upon the California Supreme Court’s decision to decline to answer the certified question. Within 10 days after the California Supreme Court decides whether or not to accept the certified question, the parties shall file a joint report informing this court of the decision. If the California Supreme Court accepts the certified question, the parties shall file a joint status report every six months after the date of the acceptance, or more frequently if circumstances warrant. It is so ORDERED. [12618945] (AKM) [Entered: 12/28/2022 09:21 AM]