

**FILED**

**FOR PUBLICATION**

DEC 19 2011

**UNITED STATES COURT OF APPEALS**

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

**FOR THE NINTH CIRCUIT**

RETIREED EMPLOYEES ASSOCIATION  
OF ORANGE COUNTY, INC.,

Plaintiff - Appellant,

v.

COUNTY OF ORANGE,

Defendant - Appellee.

No. 09-56026

D.C. No. 8:07-cv-01301-AG-MLG  
Central District of California,  
Santa Ana

ORDER

Appeal from the United States District Court  
for the Central District of California  
Andrew J. Guilford, District Judge, Presiding

Argued and Submitted June 10, 2010  
Pasadena, California  
Submission withdrawn June 29, 2010  
Resubmitted December 16, 2011

Before: TROTT and W. FLETCHER, Circuit Judges, and MAHAN,  
District Judge.\*

PER CURIAM

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\* The Honorable James C. Mahan, District Judge for the U.S. District Court for Nevada, sitting by designation.

This court has now received an answer from the California Supreme Court to the question certified to that court. *See Retired Employees Assoc. of Orange County v. County of Orange*, 52 Cal.4th 1171 (2011). We remand this case to the district court for further proceedings consistent with the answer provided by the California Supreme Court.

In light of the nature of the dispute in this case, and in light of the delay that has already taken place, we encourage the district court to act promptly. In the event of another appeal, this panel will retain jurisdiction and will give scheduling priority to the appeal.

So ordered.

**REMANDED.**

COUNSEL

Michael P. Brown, Moscone, Emblidge & Quadra, LLP, San Francisco, California, for the Plaintiff-Appellant.

Arthur Anthony Hartinger, Meyers, Nave, Riback, Silver & Wilson, Oakland, California, for the Defendant-Appellee.