

FILED

NOT FOR PUBLICATION

MAY 05 2010

UNITED STATES COURT OF APPEALS

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

FOR THE NINTH CIRCUIT

In the Matter of: VICKIE LYNN  
MARSHALL,

Debtor,

No. 02-56002, 02-56067

D.C. No. CV-01-00097-DOC  
Central District of California,  
Santa Ana

ELAINE MARSHALL, as Independent  
Executor of the Estate of E. Pierce  
Marshall,

Plaintiff Counter-Defendant/  
Appellant-Cross-Appellee,

ORDER

v.

HOWARD K. STERN, as Executor under  
the Will of Vickie Lynn Marshall,

Defendant-Counter-Claimant/  
Appellee-Cross-Appellant.

Before: BEEZER, KLEINFELD and PAEZ, Circuit Judges.

The panel has voted to deny the petition for panel rehearing. Judges  
Kleinfeld and Paez vote to deny the petition for rehearing en banc and Judge  
Beezer so recommends.

The full court has been advised of the petition for rehearing en banc and no judge has requested a vote to rehear the matter en banc. Fed. R. App. P. 35.

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