

FILED

MAR 02 2009

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

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JACKIE DAY, Executor of the Estate of
Jesse Ray O'Neal, Jr.,

Plaintiff - Appellant,

v.

AMERICAN SEAFOODS COMPANY
LLC, in personam; KATIE ANN F/T
Offical Number 518441, her engines,
machinery, appurtenances and cargo in
rem,

Defendants - Appellees.

No. 07-35712

D.C. No. CV-06-01579-RSM
Western District of Washington,
Seattle

ORDER

Before: BEEZER, GOULD and CALLAHAN, Circuit Judges.

The request for publication of memorandum disposition, made by appellee American Seafoods Co., LLC, is hereby GRANTED. The memorandum disposition filed on December 18, 2008, is hereby withdrawn and the mandate is recalled. A superseding opinion shall be filed in due course. When the superseding opinion is filed, the parties shall have the right to file petitions for rehearing or rehearing en banc.