

FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 24 2022

FOR THE NINTH CIRCUIT

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

NOELLE LEE, derivatively on behalf of The
Gap, Inc,

Plaintiff-Appellant,

v.

ROBERT J. FISHER; SONIA SYNGAL;
ARTHUR PECK; AMY BOHUTINSKY;
AMY MILES; ISABELLA D. GOREN;
BOB L. MARTIN; CHRIS O'NEILL;
ELIZABETH A. SMITH; JOHN J. FISHER;
JORGE P. MONTOYA; MAYO A.
SHATTUCK III; TRACY GARDNER;
WILLIAM S. FISHER; DORIS F. FISHER;
THE GAP, INC., Nominal Defendant,

Defendants-Appellees.

No. 21-15923

D.C. No. 3:20-cv-06163-SK
Northern District of California,
San Francisco

ORDER

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 opinion is vacated.