

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NOV 23 2011

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

WAYNE TALEFF; et al.,

Plaintiffs - Appellants,

v.

SOUTHWEST AIRLINES CO.; et al.,

Defendants - Appellees.

No. 11-16173

D.C. No. 3:11-cv-02179-JW
Northern District of California,
San Francisco

ORDER

Before: CANBY, WARDLAW, and GOULD, Circuit Judges.

Appellants' motion for reconsideration is denied. *See* 9th Cir. R. 27-10.

All other requests are denied as moot.

GOULD, Circuit Judge, dissenting.

I respectfully dissent. I would grant reconsideration and would deny the defendants' motion for sanctions, believing that bad faith or the requisite degree of recklessness of plaintiffs or their counsel has not been shown, and that the sanctions award may incorrectly discourage vigorous private prosecution of antitrust law claims that is beneficial to the public.

AT/MOATT