

FILED

UNITED STATES COURT OF APPEALS

NOV 07 2016

FOR THE NINTH CIRCUIT

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

CYNTHIA E. SPANN, Individually and  
On Behalf of All Others Similarly  
Situated,

Plaintiff-Appellee,

WALTER F. ELLINGWOOD,

Objector-Appellant,

v.

J.C. PENNEY CORPORATION, INC., a  
Delaware Corporation,

Defendant-Appellee.

No. 16-56474

D.C. No.

8:12-cv-00215-FMO-KES  
Central District of California,  
Santa Ana

ORDER

The assessment conference previously scheduled for November 14, 2016, is canceled.

Appellant's unopposed motion to dismiss this appeal (Docket Entry No. 6) is granted. Fed. R. App. P. 42(b). The parties shall bear their own costs and attorneys' fees on appeal.

A copy of this order shall serve as and for the mandate of this court.

FOR THE COURT

By: Stephen Liacouras  
Circuit Mediator

sl/mediation