

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

FEB 15 2019

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

SCOTT KOLLER, an individual, on  
behalf of himself, the general public and  
those similarly situated,

Plaintiff - Appellee,

v.

JUSTIN FERENGE,

Objector - Appellant,

v.

MED FOODS, INC.; DEOLEO USA,  
INC.,

Defendants - Appellees.

No. 18-16872

D.C. No. 3:14-cv-02400-RS

U.S. District Court for Northern  
California, San Francisco

**ORDER**

A review of the docket demonstrates that counsel has failed to file the opening brief in this case.

Pursuant to Ninth Circuit Rule 42-1, this appeal is dismissed for failure to prosecute. Counsel for appellant is directed to notify his/her client immediately in writing regarding this dismissal.

This order served on the district court shall, 21 days after the date of the order, act as the mandate of this court.

FOR THE COURT:

MOLLY C. DWYER  
CLERK OF COURT

By: Estela Urrutia  
Deputy Clerk  
Ninth Circuit Rule 27-7