

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

JAN 24 2018

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

MARLON H. CRYER, individually and on behalf of a class of all other persons similarly situated, and on behalf of the Franklin Templeton 401(k) Retirement Plan,

Plaintiff-Respondent,

v.

FRANKLIN RESOURCES, INC. and THE FRANKLIN TEMPLETON 401(K) RETIREMENT PLAN INVESTMENT COMMITTEE,

Defendants-Petitioners.

No. 17-80213

D.C. No. 4:16-cv-04265-CW  
Northern District of California,  
Oakland

ORDER

Before: PAEZ and BEA, Circuit Judges.

The motion for leave to file a reply in support of the petition for permission to appeal (Docket Entry No. 6) is granted. The reply was filed on November 9, 2017.

The court, in its discretion, denies the petition for permission to appeal the district court's July 26, 2017 order granting class action certification and October 4, 2017 order denying petitioners' motion for reconsideration of the July 26, 2017 order. *See* Fed. R. Civ. P. 23(f); *Chamberlan v. Ford Motor Co.*, 402 F.3d 952 (9th Cir. 2005).