

UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 16th day of February, two thousand and seventeen.

Before: Guido Calabresi,
Denny Chin,
Susan L. Carney,
Circuit Judges.

Flo & Eddie, Inc., A California Corporation,
individually and on behalf of all others similarly
situated,

Plaintiff - Appellee,

JUDGMENT

Docket No. 15-1164

v.

Sirius XM Radio, Inc., a Delaware Corporation,

Defendant - Appellant,

Does, 1 through 10,

Defendants.

The appeal in the above captioned case from orders of the United States District Court for the Southern District was argued on the district court's record and the parties' briefs. Upon consideration thereof,

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the district court's denial of Appellant's motion for summary judgment is REVERSED and the case is REMANDED to the district court with instructions to grant Appellant's motion for summary judgment and to dismiss the case with prejudice.

For The Court:

Catherine O'Hagan Wolfe,
Clerk of Court


