

MANDATE

UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT

N.Y.S.D. Case #
13-cv-5784(CM)

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.

**USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: March 16, 2017**

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

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

Catherine O'Hagan Wolfe



Catherine O'Hagan Wolfe

MANDATE ISSUED ON 03/16/2017