

**FOR PUBLICATION**  
**UNITED STATES COURT OF APPEALS**  
**FOR THE NINTH CIRCUIT**

ALLAN J. FAVISH,  
*Plaintiff-Appellant,*

v.

NATIONAL ARCHIVES AND RECORDS  
ADMINISTRATION,\*  
*Defendant-Appellee,*

SHEILA FOSTER ANTHONY; LISA  
FOSTER MOODY,  
*Intervenors-Appellees.*

No. 01-55487  
D.C. No.  
CV-97-01479-WDK

ALLAN J. FAVISH,  
*Plaintiff-Appellee,*

v.

NATIONAL ARCHIVES AND RECORDS  
ADMINISTRATION,\*  
*Defendant,*

SHEILA FOSTER ANTHONY; LISA  
FOSTER MOODY,  
*Intervenors-Appellants.*

No. 01-55788  
D.C. No.  
CV-97-01479-WDK

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\*Pursuant to the Supreme Court's opinion in *National Archives and Records Administration v. Favish*, filed on March 30, 2004, National Archives and Records Administration has been substituted for Office of Independent Counsel.

ALLAN J. FAVISH,  
*Plaintiff-Appellee,*  
v.  
NATIONAL ARCHIVES AND RECORDS  
ADMINISTRATION,\*  
*Defendant-Appellant,*  
and  
SHEILA FOSTER ANTHONY; LISA  
FOSTER MOODY,  
*Defendants-Intervenors.*

No. 01-55789

D.C. No.  
CV-97-01479-  
WDK-05

ORDER

On Remand from the United States Supreme Court

Filed May 20, 2004

Before: Harry Pregerson, John T. Noonan and  
Diarmuid F. O'Scannlain, Circuit Judges.

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**ORDER**

The case is remanded to the district court to enter judgment for the National Archives and Records Administration. *National Archives and Records Administration v. Favish*, \_\_\_ U.S. \_\_\_ (Slip op. March 30, 2004).

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