

United States Court of Appeals For the First Circuit

No. 14-1268

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Plaintiff - Appellant

v.

KOHL'S DEPARTMENT STORES, INC.

Defendant – Appellee

Before

Lynch, Chief Judge,
Torruella, Howard, Thompson,
Kayatta and Barron,
Circuit Judges.

ORDER OF COURT

Entered: February 13, 2015

The petition for rehearing having been denied by the panel of judges who decided the case, and the petition for rehearing en banc having been submitted to the active judges of this court and a majority of the judges not having voted that the case be heard en banc, it is ordered that the petition for rehearing and the petition for rehearing en banc be denied.

KAYATTA, Circuit Judge, dissenting as to the petition for rehearing only.

By the Court:

/s/ Margaret Carter, Clerk

cc: Gail S. Coleman, Donna J. Brusoski, Melinda J. Catherine, David A. Strock