

FILED

NOV 25 2009

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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

KRISTIN M. PERRY; et al.,

Plaintiffs - Appellees,

PROPOSITION 8 OFFICIAL
PROPONENTS,

Defendant-intervenor -
Appellant,

v.

ARNOLD SCHWARZENEGGER, in his
official capacity as Governor of California;
et al.,

Defendants,

and

DENNIS HOLLINGSWORTH; et al.,

Defendant-intervenors -
Appellants,

v.

CITY AND COUNTY OF SAN
FRANCISCO,

Plaintiff-intervenor.

No. 09-17241

D.C. No. 3:09-cv-02292-VRW
Northern District of California,
San Francisco

ORDER

KRISTIN M. PERRY; et al.,

Plaintiffs - Appellees,

v.

ARNOLD SCHWARZENEGGER; et al.,

Defendants,

and

DENNIS HOLLINGSWORTH; et al.,

Defendant-intervenors -
Appellants,

v.

OUR FAMILY COALITION; et al.,

Plaintiff-intervenors -
Appellees.

No. 09-17551

D.C. No. 3:09-cv-02292-VRW
Northern District of California,
San Francisco

Before: WARDLAW, FISHER and BERZON, Circuit Judges.

Upon review of the record and the moving papers, we have determined that oral argument is necessary to fully consider the range of issues presented by the pending emergency stay motion. Oral argument shall be held on Tuesday, December 1, 2009 at 11:00 a.m. at The Richard H. Chambers Courthouse in Pasadena, California. Each side will have twenty minutes to present its arguments.

The parties shall be prepared to address the question of jurisdiction under the collateral order doctrine, the merits of the First Amendment privilege issue, and whether a temporary stay pending a resolution of the merits should be granted under *Nken v. Holder*, 129 S. Ct. 1749, 1760-61 (2009). In addition, the parties shall be prepared to address the propriety of the issuance of a writ of mandate.

The stay issued on November 20, 2009 remains in effect. Appellants are relieved of the November 30, 2009 deadline for producing discovery. The parties, however, must comply with Magistrate Judge Spero's remaining orders, including that they meet and confer to determine the terms of an appropriate protective order.

On or before Friday, November 27, 2009, appellants shall submit under seal five copies of the twenty-one documents Chief Judge Walker deemed responsive in his November 11, 2009 order. Appellants shall submit the copies as follows: one copy to each Judge's resident chambers, one copy to Judge Berzon's visiting chambers in Pasadena, and one copy to the Clerk of Court.

IT IS SO ORDERED.