

FILED

UNITED STATES COURT OF APPEALS

FEB 25 2013

FOR THE NINTH CIRCUIT

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

DRAKES BAY OYSTER COMPANY
and KEVIN LUNNY,

Plaintiffs - Appellants,

v.

KENNETH L. SALAZAR, in his official
capacity as Secretary, U.S. Department of
the Interior; et al.,

Defendants - Appellees.

No. 13-15227

D.C. No. 4:12-cv-06134-YGR
Northern District of California,
Oakland

ORDER

Before: GOODWIN, WARDLAW, and MURGUIA, Circuit Judges.

This is a preliminary injunction appeal.

The court grants the motion of Environmental Action Committee of West Marin, National Parks Conservation Association, Natural Resources Defense Council, and Save Our Seashore for leave to file an amici curiae response in opposition to the emergency motion for injunction pending appeal. The Clerk shall file the amici curiae opposition submitted on February 19, 2013. If these entities seek leave to file an amici curiae brief on the merits of this appeal, a separate motion is required.

The court grants appellants' request to file a response to the amici curiae opposition. The Clerk shall file the response submitted by appellants on February 21, 2013.

Appellants' emergency motion for an injunction pending appeal is granted, because there are serious legal questions and the balance of hardships tips sharply in appellants' favor. *See Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131-35 (9th Cir. 2011).

The court sua sponte expedites the calendaring of this preliminary injunction appeal. The Clerk shall calendar this case during the week of May 13-17, 2013 in San Francisco.

The briefing schedule established previously shall remain in effect.