

APR 25 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SOUTHERN CALIFORNIA DARTS
ASSOCIATION, a California
unincorporated association,

Plaintiff - Appellee,

v.

SOUTHERN CALIFORNIA DARTS
ASSOCIATION, INC., a California
corporation and DINO M. ZAFFINA, an
individual,

Defendants - Appellants.

No. 12-55951

D.C. No. 2:12-cv-01899-RGK-
JCG

MEMORANDUM*

SOUTHERN CALIFORNIA DARTS
ASSOCIATION, a California
unincorporated association,

Plaintiff - Appellee,

v.

SOUTHERN CALIFORNIA DARTS
ASSOCIATION, INC., a California
corporation,

No. 12-56173

D.C. No. 2:12-cv-01899-RGK-
JCG

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

Defendant,

and

DINO M. ZAFFINA, an individual,

Defendant - Appellant.

Appeal from the United States District Court
for the Central District of California
R. Gary Klausner, District Judge, Presiding

Submitted March 7, 2013**
Pasadena, California

Before: WARDLAW and GOULD, Circuit Judges, and WOLF, Senior District
Judge.***

Appellants Dino M. Zaffina and Southern California Darts Association, Inc.
appeal the district court's April 23, 2012 order issuing a preliminary injunction
against them. Zaffina also appeals the district court's order of June 22, 2012, in
which the court declined to reconsider its decision to issue a preliminary
injunction. The appeals were filed on May 22, 2012 and June 25, 2012,
respectively, and submitted on the briefs on March 7, 2013.

** The panel unanimously concludes this case is suitable for decision
without oral argument. *See* Fed. R. App. P. 34(a)(2).

*** The Honorable Mark L. Wolf, Senior District Judge for the U.S.
District Court for the District of Massachusetts, sitting by designation.

On April 2, 2013, the district court entered final judgment for plaintiff-appellee Southern California Darts Association. The district court vacated the preliminary injunction it had issued, and replaced the preliminary injunction with a permanent injunction.

“[W]here a permanent injunction has been granted that supersedes the original preliminary injunction, the interlocutory injunction becomes merged in the final decree” *In re Estate of Ferdinand Marcos Human Rights Litig.*, 94 F.3d 539, 544 (9th Cir. 1996) (alteration in original) (quoting *Cont'l Training Servs., Inc. v. Cavazos*, 893 F.2d 877, 880 (7th Cir. 1990)); *Burbank-Glendale-Pasadena Airport Auth. v. City of Los Angeles*, 979 F.2d 1338, 1340 n.1 (9th Cir. 1992). In such cases, any interlocutory appeal from the preliminary injunction becomes moot, and “the appeal from the interlocutory preliminary order is properly dismissed.” *In re Estate of Ferdinand Marcos*, 94 F.3d at 544 (quoting *Cont'l Training Servs.*, 893 F.2d at 880); *S.E.C. v. Murphy*, 626 F.2d 633, 637 n.1 (9th Cir. 1980).

We are, therefore, dismissing these appeals as moot. This panel shall retain jurisdiction over any appeals that may be filed from the district court’s final judgment and permanent injunction.¹

DISMISSED.

¹ This disposition resolves the recently filed Appellee’s Motion for Dismissal of Appeal as Moot (Docket Entry 32-1).