

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

AUG 11 2020

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

KRISTIN M. PERRY; et al.,

Plaintiffs-Appellees,

CITY AND COUNTY OF SAN
FRANCISCO,

Intervenor-Plaintiff-
Appellee,

KQED, INC.,

Intervenor-Appellee,

v.

GAVIN NEWSOM, Governor; et al.,

Defendants-Appellees,

DENNIS HOLLINGSWORTH; et al.,

Intervenor-Defendants-
Appellants,

and

PATRICK O'CONNELL, in his official
capacity as Clerk-Recorder for the County of
Alameda; DEAN C. LOGAN, in his official

No. 20-16375

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

ORDER

capacity as Registrar-Recorder/County Clerk
for the County of Los Angeles,

Defendants.

Before: THOMAS, Chief Judge, SCHROEDER and CALLAHAN, Circuit Judges.

The motion for leave to file an amici curiae brief in support of appellee KQED, Inc.'s opposition to the motion for a stay pending appeal (Docket Entry No. 11) is granted. The Clerk shall file the amici curiae brief submitted on July 27, 2020.

In response to appellants' motion to stay the district court's July 9, 2020 order pending appeal (Docket Entry No. 2), we grant a temporary stay of the order to preserve the status quo pending consideration of the appeal on the merits.¹ *See Nken v. Holder*, 556 U.S. 418, 433-34 (2009); *cf. Al Otro Lado v. Wolf*, 945 F.3d 1223, 1224 (9th Cir. 2019).

We sua sponte expedite the appeal. Appellants' opening brief and excerpts of record are due September 9, 2020. Appellees' answering briefs are due October 9, 2020. Appellants' optional reply brief is due within 21 days after service of the last-served answering brief.

¹ Chief Judge Thomas would deny the motion for a stay pending appeal.

No streamlined extensions of time will be approved. *See* 9th Cir. R. 31-2.2(a)(1). No written motions for extensions of time under Ninth Circuit Rule 31-2.2(b) will be granted absent extraordinary and compelling circumstances.

The Clerk shall place this appeal on the calendar for December 2020. *See* 9th Cir. Gen. Order 3.3(f).