FILED

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

OCT 06 2010

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

MICHAEL C. MALANEY; et al.,
 	
              Plaintiffs - Appellants,
 	
  v.
 	
UAL CORPORATION; et al.,
 	
              Defendants - Appellees.
	No. 10-17208
	
	D.C. No. 3:10-cv-02858-RS
	Northern District of California,
	San Francisco
	
	ORDER

Before: O'SCANNLAIN and W. FLETCHER, Circuit Judges.

This is a preliminary injunction appeal.

The emergency motion for a "hold separate" order is denied. *See Winter v. Natural Resources Def. Council, Inc., – U.S. –*, 129 S. Ct. 365, 375-76 (2008).

A review of this court's docket reflects that the filing and docketing fees for this appeal remain due. Within 21 days after the date of this order, appellants shall pay to the district court the $455.00 filing and docketing fees for this appeal. Failure to pay the fees or file a motion to proceed in forma pauperis shall result in the automatic dismissal of the appeal by the Clerk for failure to prosecute. *See* 9th Cir. R. 42-1.

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If they have not already done so, within 7 calendar days after the filing date of this order, the parties shall make arrangements to obtain from the court reporter an official transcript of proceedings in the district court that will be included in the record on appeal.

The briefing schedule shall proceed as follows: the opening brief and excerpts of record are due not later than October 29, 2010; the answering brief is due November 26, 2010 or 28 days after service of the opening brief, whichever is earlier; and the optional reply brief is due within 14 days after service of the answering brief. *See* 9th Cir. R. 3-3(b).

If appellants fail to file timely the opening brief, this appeal will be dismissed automatically by the Clerk for failure to prosecute. *See* 9th Cir. R. 42-1.

The motion to dismiss this appeal shall be addressed by separate order and shall not stay the briefing schedule for this appeal.