

**FILED**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

AUG 07 2009

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

MDY INDUSTRIES, LLC,

Plaintiff-counter-defendant-Appellant,

v.

BLIZZARD ENTERTAINMENT, INC.; et al.,

Defendants-third-party-plaintiffs -  
Appellees,

v.

MICHAEL DONNELLY,

Third-party-defendant-Appellant.

MDY INDUSTRIES, LLC,

Plaintiff-counter-defendant-Appellee,

v.

BLIZZARD ENTERTAINMENT, INC.; et al.,

Defendants-third-party-plaintiffs -  
Appellants,

v.

MICHAEL DONNELLY,

Third-party-defendant-Appellee.

No. 09-15932

D.C. No. 2:06-cv-02555-DGC  
District of Arizona,  
Phoenix

ORDER

No. 09-16044

The court has determined that these appeals will not be selected for inclusion in the Mediation Program.

Counsel are requested to contact the Circuit Mediator should circumstances develop that warrant further settlement discussions while the appeals are pending.

FOR THE COURT:

By: Peter W. Sherwood  
Circuit Mediator

pws/mediation