Office of the Clerk
United States Court of Appeals for the Ninth Circuit
Post Office Box 193939
San Francisco, California 94119-3939
415-355-8000

Molly C. Dwyer
Clerk of Court

January 05, 2011

To: Gary Black
           Holli Beam-Black

From: Molly C. Dwyer, Clerk of Court
           By: Gretchen Lois Sumera, Deputy Clerk

Re: Receipt of a Deficient Brief of Appellants on 01/03/2011

           USCA No. 10-16992 Gary Black, et al v. Google, Inc.

The opening brief cannot be filed for the following reason(s):

- *Oversized: The brief exceeds the page limitations for unrepresented litigants pursuant to Cir. R. 32-5. Please **submit a motion requesting permission to file an oversized brief.***

- *Motion required: A motion is required to submit a substitute or corrected brief. Please **submit a motion requesting permission to substitute or correct your brief**.*

The following action has been taken with respect to the brief received in this office:

- *The deficiency by the appellants is judged to be serious. We cannot file your brief. The deficiency must be corrected within 14 days or the case is subject to dismissal pursuant to 9th Cir. R. 42-1. The receipt of a seriously defective brief in this office does not toll the time for filing the brief while the defect is being corrected.*

  9th Cir. R. 42-1 provides:

When appellants fail to file a timely record, pay the docket fee, file a timely brief, or otherwise comply with rules requiring processing the appeal for hearing, an order may be entered dismissing the appeal. In all instances of failure to prosecute an appeal to hearing as required, the Court may take such other action as it deems appropriate, including imposition of disciplinary and monetary sanctions on those responsible for prosecution of the appeal.

When you submit corrections to your brief or a corrected brief, **please return a copy of this letter.** If you don't submit your correction within 14 days of this notice, you must file a motion for leave to file a late brief. *See* 9th Cir. R. 31-2.3 re: Extensions of time for filing brief.