

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

SEP 17 2010

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

GARY BLACK, DBA Cal Bay  
Construction and HOLLI BEAM-  
BLACK, DBA Castle Roofing,

Plaintiffs - Appellants,

v.

GOOGLE, INC.,

Defendant - Appellee.

No. 10-16992

D.C. No. 4:10-cv-02381-CW  
U.S. District Court for Northern  
California, Oakland

**ORDER**

The court's records indicate that this appeal was filed during the pendency of a timely-filed Fed. R. App. P. 4(a)(4) motions. The notice of appeal is therefore ineffective until entry of the order disposing of the last such motion outstanding. *See* Fed. R. App. P. 4(a)(4). Accordingly, proceedings in this court shall be held in abeyance pending the district court's resolution of the August 25, 2010 and August 30, 2010 pending motions. *See Leader Nat'l Ins. Co. v. Industrial Indemnity Ins. Co.*, 19 F.3d 444 (9th Cir. 1994).

If appellant wishes to challenge the district court's ruling on the pending motions for reconsideration, appellant shall file an amended notice of appeal

within 30 days from entry of the district court's ruling on the motions. *See* Fed. R. App. P. 4(a)(4). A copy of this order shall be served on the district court. *See* Fed. R. App. P. 3(d).

FOR THE COURT:

Molly C. Dwyer  
Clerk of Court

Corina Orozco  
Deputy Clerk