

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JAN 14 2011

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

KEN ARONSON,

Plaintiff - Appellant,

v.

DOG EAT DOG FILMS, INC.,

Defendant - Appellee.

No. 10-35815

D.C. No. 3:10-cv-05293-KLS
Western District of Washington,
Tacoma

ORDER

Before: Peter L. Shaw, Appellate Commissioner.

The court has reviewed the response to the order to show cause, as well as the reply to the response. The order to show cause is discharged without prejudice to renewal of the arguments during briefing. *See Nat'l Indus. v. Republic Nat'l Life Ins. Co.*, 677 F.2d 1258, 1262 (9th Cir. 1982) (stating that merits panel may consider appellate jurisdiction despite earlier denial of motion to dismiss). In their briefs, the parties shall address whether the court has jurisdiction to review an order granting a defendant's special motion to strike under the Washington Act Limiting Strategic Lawsuits Against Public Participation pursuant to the collateral order doctrine.

AW/MOATT

The opening brief and excerpts of record are due February 7, 2011; the answering brief is due March 9, 2011; and the optional reply brief is due within 14 days after service of the answering brief.