

**FILED**

UNITED STATES COURT OF APPEALS

SEP 22 2011

FOR THE NINTH CIRCUIT

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

LAURA SIEGEL LARSON, individually  
and as personal representative of the Estate  
of Joanne Siegel,

Plaintiff / Counterclaim-  
Defendant - Appellant /  
Cross-Appellee,

v.

WARNER BROS. ENTERTAINMENT,  
INC., a corporation; DC COMICS, a New  
York General Partnership,

Defendants / Counterclaimants  
- Appellees / Cross-Appellants.

Nos. 11-55863, 11-56034

D.C. No. 2:04-cv-08400-ODW  
Central District of California,  
Los Angeles

ORDER

Before: Peter L. Shaw, Appellate Commissioner.

Appellees' motion to dismiss appeal No. 11-55863 for lack of jurisdiction is denied without prejudice to renewing the arguments in the second brief on cross-appeal. *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).

The briefing schedule established previously shall remain in effect.

RJ/MOATT