

FILED

UNITED STATES COURT OF APPEALS

MAY 12 2009

FOR THE NINTH CIRCUIT

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.

No. 09-15649

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

ORDER

The parties' motion to dismiss this appeal is granted. Fed. R. App. P. 42(b).

The parties shall bear their own costs on appeal.

The assessment /settlement conference scheduled for May 12, 2009, is
canceled.

This order served on the district court shall act as and for the mandate of this court.

FOR THE COURT:

By: Peter W. Sherwood
Circuit Mediator