

FILED

UNITED STATES COURT OF APPEALS

FEB 03 2009

FOR THE NINTH CIRCUIT

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

<p>COUNTY OF SANTA CLARA, On behalf of itself and all others similarly situated,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>ASTRAZENECA PHARMACEUTICALS LP; et al.,</p> <p style="text-align: center;">Respondents.</p>

No. 08-80200

D.C. No. 3:05-cv-03740-WMA
Northern District of California,
San Francisco

ORDER

Before: REINHARDT, BRUNETTI and FISHER, Circuit Judges.

The petition for permission to appeal pursuant to 28 U.S.C. § 1292(b) is granted. Within 10 days of this order, petitioner shall perfect the appeal pursuant to Federal Rule of Appellate Procedure 5(d).

Petitioner's request to assign this appeal to the panel that heard the appeal in *County of Santa Clara v. Astra USA, Inc. et al.*, 06-16471, is granted.

The following briefing schedule shall govern the perfected appeal: the opening brief and excerpts of record shall be due March 16, 2009, the answering

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brief shall be due April 15, 2009, and the optional reply shall be due within 14 days after service of the answering brief.