

FILED

UNITED STATES COURT OF APPEALS

OCT 30 2008

FOR THE NINTH CIRCUIT

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

BERNARD PAUL PARRISH, on behalf
of himself and all others similarly situated;
et al.,

Plaintiffs - Appellees,

v.

NATIONAL FOOTBALL LEAGUE
PLAYERS, INC., a Virginia Corporation,
DBA Players, Inc.; et al.,

Defendants,

v.

ELECTRONIC ARTS, INC.,

Third-party-defendant -
Appellant.

No. 08-17327

D.C. No. 3:07-cv-00943-WHA
Northern District of California,
San Francisco

ORDER

On October 28, 2008, the court issued a decision granting Electronic Arts, Inc.'s petition for writ of mandamus, No. 08-74426. That decision afforded appellant the same relief it seeks in this appeal.

Within 14 days after the date of this order, appellant shall move for voluntary dismissal of the appeal or show cause why it should not be dismissed as

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moot. If appellant elects to show cause, a response may be filed within 8 days after service of the memorandum.

If appellant does not comply with this order, the Clerk shall dismiss this appeal pursuant to Ninth Circuit Rule 42-1.

Briefing is suspended pending further order of the court.

FOR THE COURT:

Molly Dwyer
Clerk of Court

By: Nina A. M. Greeley
Motions Attorney/Deputy Clerk
9th Cir. R. 27-7
General Orders/Appendix A