

FILED

UNITED STATES COURT OF APPEALS

JUN 29 2009

FOR THE NINTH CIRCUIT

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

<p>BERNARD PAUL PARRISH, on behalf of himself and all others similarly situated; et al.,</p> <p style="text-align: center;">Plaintiffs - Appellees,</p> <p style="text-align: center;">v.</p> <p>NATIONAL FOOTBALL LEAGUE PLAYERS ASSOCIATION, a Virginia Corporation; et al.,</p> <p style="text-align: center;">Defendants - Appellants.</p>
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No. 09-15226

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

ORDER

This appeal is selected for inclusion in the Mediation Program. During the time the appeal remains in the Mediation Program, all procedural matters should be brought to the attention of the Circuit Mediator.

The court is in receipt of the parties' stipulation for dismissal without prejudice, which the court construes as a joint motion to dismiss the present appeal.

So construed, the appeal is dismissed without prejudice to reinstatement in the event that the District Court fails to approve the settlement reached by the parties.

Reinstatement shall be by notice filed by any party in this court and served on the other parties and the Circuit Mediator within 28 days of the District Court's denial of the parties' motion to approve settlement, but in any event by December 31, 2010. If no notice of reinstatement is filed and served by December 31, 2010, the appeal will be deemed dismissed with prejudice.

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