

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

SEP 05 2008

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

MELISSA FRIEND; et al.,

Plaintiffs- Respondents,

v.

THE HERTZ CORPORATION,

Defendant- Petitioner.

No. 08-80011

D.C. No. CV-07-05222-MMC
Northern District of California,
San Francisco

ORDER

Before: FISHER and PAEZ, Circuit Judges.

Petitioner's motion for reconsideration of the court's April 17, 2008 order is granted. The April 17, 2008 order is vacated and the petition for permission to appeal pursuant to 28 U.S.C. § 1453(c) is granted. The motion for reconsideration en banc is denied as moot.

Within 10 days after the filing date of this order, petitioner shall perfect the appeal pursuant to Federal Rule of Appellate Procedure 5(d).

Pursuant to 28 U.S.C. § 1453(c)(2), the court shall complete all action on this appeal, including rendering judgment, not later than 60 days after the date on which the appeal was filed. *See also Bush v. Cheaptickets, Inc.*, 425 F.3d 683, 685 (9th Cir. 2005) (stating that 60-day time period begins to run when the court

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accepts the appeal). Accordingly, the parties shall file simultaneous briefs in the Clerk's Office in San Francisco by 3:00 p.m. on September 15, 2008.

Rule 6(c)(1) of the Administrative Order Regarding Electronic Filing shall not apply to this appeal. Accordingly, the parties shall file 10 copies of the brief in paper format, accompanied by certification that the brief is identical to the version submitted electronically.

Each brief shall be received in the office of opposing counsel on the date the brief is due in this court.

Any motion to extend time to file the briefs shall strictly comply with the requirements set forth in 28 U.S.C. § 1453(c)(3).

The Clerk shall calendar this case during the week of October 20-24, 2008 in Pasadena, California.