

FILED

UNITED STATES COURT OF APPEALS

DEC 03 2009

FOR THE NINTH CIRCUIT

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

KRISTIN M. PERRY; et al.,

Plaintiffs - Appellees,

and

CITY AND COUNTY OF SAN FRANCISCO,

Plaintiff-intervenor,

v.

ARNOLD SCHWARZENEGGER, in his official capacity as Governor of California; et al.,

Defendants,

and

DENNIS HOLLINGSWORTH; et al.,

Defendant-intervenors - Appellants.

No. 09-17241

D.C. No. 3:09-cv-02292-VRW
Northern District of California,
San Francisco

ORDER

KRISTIN M. PERRY; et al.,

Plaintiffs - Appellees,

and

OUR FAMILY COALITION; et al.,

Plaintiff-intervenors -

Appellees,

v.

ARNOLD SCHWARZENEGGER; et al.,

Defendants,

and

DENNIS HOLLINGSWORTH; et al.,

Defendant-intervenors -

Appellants.

No. 09-17551

D.C. No. 3:09-cv-02292-VRW
Northern District of California,
San Francisco

Before: WARDLAW, FISHER and BERZON, Circuit Judges.

Appellants' motion for leave to file an oversized reply is granted.

Appellants' November 23, 2009 reply has been filed.

We conclude that appellants have made a strong showing that they are likely to succeed on the merits and that they will be irreparably injured absent a stay. *See Nken v. Holder*, 129 S. Ct. 1749, 1761 (2009) (citing *Hilton v. Braunskill*, 481 U.S.

770, 776 (1987)). Moreover, the issuance of a stay will not substantially injure appellees and the public interest weighs in favor of a stay. *See id.* Therefore, the stay issued on November 20, 2009 shall continue in effect.

The briefing schedule established on November 16, 2009 is vacated.

We expect to decide the appeals promptly without further briefing.

IT IS SO ORDERED.