

FILED

UNITED STATES COURT OF APPEALS

MAR 31 2010

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,

Intervenor - Plaintiff,

v.

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

Defendants,

and

DENNIS HOLLINGSWORTH; et al.,

Intervenor - Defendants -
Appellees,

EQUALITY CALIFORNIA and NO ON
PROPOSITION 8, CAMPAIGN FOR
MARRIAGE EQUALITY, A PROJECT
OF THE AMERICAN CIVIL LIBERTIES
UNION OF NORTHERN CALIFORNIA,

No. 10-15649

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

ORDER

AT/MOATT

Third parties - Appellants,

and

CALIFORNIANS AGAINST
ELIMINATING BASIC RIGHTS,

Third party.

Before: WARDLAW, FISHER and BERZON, Circuit Judges.

No later than April 9, 2010, the parties shall file simultaneous briefs addressing solely the issues of whether this court has jurisdiction over this appeal and whether mandamus is appropriate. *See Vizcaino v. U.S. Dist. Court*, 173 F.3d 713 (9th Cir. 1999) (holding that this court may exercise mandamus jurisdiction when a district court does not comply with the mandate); *In re Subpoena Served on Cal. Pub. Util. Comm'n*, 813 F.2d 1473, 1476 (9th Cir. 1987) (holding that a nonparty ordinarily can obtain review of a discovery order by defying the order and appealing the ensuing contempt citation).

Briefing on the remaining issues in this appeal is suspended pending further court order.