

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

NOV 30 2006

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

COSTCO WHOLESALE
CORPORATION, a Washington
corporation,

Plaintiff-Appellee,

v.

NORM MALENG,

Defendant,

WASHINGTON BEER & WINE
WHOLESALE ASSOCIATION,

Defendant-Intervenor-Appellant,

and

ROGER HOEN; et al.,

Defendants-Appellants.

Nos. 06-35538, 06-35542,
06-35543

D.C. No. CV-04-00360-MJP
Western District of Washington,
Seattle

ORDER

Before: LEAVY and CLIFTON, Circuit Judges.

Appellant-Intervenor Washington Beer and Wine Wholesalers Association's unopposed motion for partial dismissal of appeal is granted.

Appellee's "motion to strike declarations submitted by LCB defendants with reply in support of motion for indefinite stay pending appeal" is denied.

06-35538, 06-35542, 06-35543

Appellee's motion to file an oversized opposition to appellants' motions for stay pending appeal is granted. The Clerk shall file appellee's opposition to appellants' motions for stay pending appeal.

Appellants' motions for stay pending appeal are denied without prejudice to renewal at oral argument before the panel assigned to hear the merits of this appeal.

The previously established briefing schedule remains in effect. However, the court, on its own motion, expedites the hearing of this appeal. The provisions of Ninth Circuit Rule 31-2.2(a) shall not apply to this appeal. Any motions to extend time to file the briefs will be strongly disfavored.

Pursuant to Federal Rule of Appellate Procedure 29(a) the Clerk shall file the amicus brief of the National Alcohol Beverage Control Association, Inc., which was received November 14, 2006, because the parties consented to its filing.

The Clerk shall calendar this case during the week of March 5-9, 2007 in Seattle, Washington.