

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

DEC 30 2021

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

KRISTIN M. PERRY; et al.,

Plaintiffs-Appellees,

CITY AND COUNTY OF SAN
FRANCISCO,

Intervenor-Plaintiff-
Appellee,

KQED, INC.,

Intervenor-Appellee,

v.

GAVIN NEWSOM, Governor; et al.,

Defendants-Appellees,

DENNIS HOLLINGSWORTH; et al.,

Intervenor-Defendants-
Appellants,

and

PATRICK O'CONNELL, in his official
capacity as Clerk-Recorder for the County of
Alameda; DEAN C. LOGAN, in his official
capacity as Registrar-Recorder/County Clerk
for the County of Los Angeles,

No. 20-16375

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

ORDER

Defendants.

Before: LUCERO,* W. FLETCHER, and IKUTA, Circuit Judges.

Appellants' emergency motion to stay the mandate (Docket Entry No. 74) is granted.

Pursuant to Rule 41(d) of the Federal Rules of Appellate Procedure, the mandate is stayed for 90 days to permit appellants to file a petition for writ of certiorari in the Supreme Court. Appellants must notify the Court in writing that the petition has been filed, in which case the stay will continue until the Supreme Court resolves the petition. *See* Fed. R. App. P. 41(d)(2)(B)(ii). Should the Supreme Court grant certiorari, the mandate will be stayed pending disposition of the case. Should the Supreme Court deny certiorari, the mandate will issue immediately. The parties shall advise this Court immediately upon the Supreme Court's decision.

The district court's July 9, 2020 order also remains stayed pending issuance of the mandate or further court order.

* The Honorable Carlos F. Lucero, United States Circuit Judge for the U.S. Court of Appeals for the Tenth Circuit, sitting by designation.