

FILED

UNITED STATES COURT OF APPEALS

OCT 21 2009

FOR THE NINTH CIRCUIT

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

ELECTRONIC FRONTIER  
FOUNDATION,

Plaintiff - Appellee,

v.

OFFICE OF THE DIRECTOR OF  
NATIONAL INTELLIGENCE; et al.,

Defendants - Appellants.

No. 09-17235

D.C. Nos. 3:08-cv-01023-JSW  
3:08-cv-02997-JSW  
Northern District of California,  
San Francisco

ORDER

Before: TROTT, W. FLETCHER and RAWLINSON, Circuit Judges.

Appellants' motion for a stay pending appeal of the district court's order for disclosure of documents is granted with respect to the two categories of documents the Solicitor General has indicated she has already decided to appeal.

Appellants' motion for stay with respect to the remaining categories of documents is granted until November 9, 2009. Appellants shall inform the court on or before November 9, 2009 whether the Solicitor General intends to pursue the appeal with respect to these categories of documents. If the Solicitor General decides to appeal as to these categories of documents, appellants may, on or before November 9, 2009, renew their motion for stay pending appeal with respect to

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these categories of documents. If appellants renew the motion for stay, the stay will be temporarily extended pending the court's decision on that motion for stay pending appeal.

The court *sua sponte* expedites the briefing and calendaring of this appeal. The opening brief is due November 16, 2009; the answering brief is due December 7, 2009; and the optional reply brief is due December 14, 2009. No extensions of time shall be granted absent extraordinary circumstances.

This case shall be heard the week of January 11, 2010 in San Francisco, California, at a date to be specified as soon as practicable.