

FILED

UNITED STATES COURT OF APPEALS

MAY 18 2009

FOR THE NINTH CIRCUIT

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

RUSSELL ALLEN NORDYKE; ANN SALLIE NORDYKE, dba TS Trade Shows; JESS B. GUY; DUANE DARR; WILLIAM J. JONES; DARYL N. DAVID; TASIANA WESTYSCHYN; JEAN LEE; TODD BALTES; DENNIS BLAIR, R.L. ADAMS; ROGER BAKER; MIKE FOURNIER; VIRGIL MCVICKER,

Plaintiffs - Appellants,

v.

MARY V. KING; GAIL STEELE; WILMA CHAN; KEITH CARSON; SCOTT HAGGERTY; COUNTY OF ALAMEDA; COUNTY OF ALAMEDA BOARD OF SUPERVISORS,

Defendants - Appellees.

No. 07-15763

D.C. No. CV-99-04389-MJJ
Northern District of California,
San Francisco

ORDER

Before: O'SCANNLAIN, Circuit Judge.

A judge of this court has called for a vote to determine whether this case will be reheard en banc pursuant Federal Rule of Appellate Procedure 35(a).

Within 21 days of the filing of this order, the parties are requested to file simultaneous briefs addressing whether this case should be reheard en banc.

Parties who are registered for ECF must file the response electronically without

submission of paper copies. Parties who are not registered ECF filers must file the original response plus 50 paper copies.

IT IS SO ORDERED.