

FILED

UNITED STATES COURT OF APPEALS

DEC 17 2010

FOR THE NINTH CIRCUIT

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

<p>JOSE GUADALUPE PEREZ-FARIAS; et al.,</p> <p>Plaintiffs - Appellees, Cross - Appellants,</p> <p>v.</p> <p>GLOBAL HORIZONS, INC; et al.,</p> <p>Defendants - Appellants Cross - Appellees.</p>

Nos. 09-35598 and 10-35397

D.C. No. 2:05-cv-03061-RHW
Eastern District of Washington,
Spokane

ORDER

The September 17, 2010 order of the court directed defendant Global Horizons, Inc. to be represented by licensed counsel and stated that failure to cause new counsel to enter an appearance would result in dismissal without further notice. The opening brief was also due December 1, 2010. To date, no motion for appearance by new counsel on behalf of Global Horizons, Inc. has been filed. The remaining appellants have not filed the opening brief. No. 09-35598 is therefore dismissed for lack of prosecution. A copy of this order shall serve as and for the mandate of this court.

The amended briefing schedule for no. 10-35397 is as follows: the opening brief is due February 2, 2011; the answering brief is due March 5, 2011; and the optional reply brief is due within 14 days after service of the answering brief.

Plaintiffs' motion for judicial notice is being referred to the merits panel for resolution. Any related response or further requests shall also be referred to the panel. Plaintiffs may provisionally refer to the proposed augmentation with the understanding that the court may strike such arguments if the court declines to grant the motion.

For the Court:
MOLLY C. DWYER
Clerk of the Court

Alihandra M. Totor
Deputy Clerk
Ninth Cir. R. 27-7/Advisory Note to Rule 27
and Ninth Circuit Rule 27-10