

FILED

UNITED STATES COURT OF APPEALS

MAY 13 2015

FOR THE NINTH CIRCUIT

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

VIRGINIA VAN DUSEN; et al.,

Plaintiffs - Appellees,

v.

SWIFT TRANSPORTATION
COMPANY INCORPORATED; et al.,

Defendants - Appellants.

No. 15-15257

D.C. No. 2:10-cv-00899-JWS
District of Arizona,
Phoenix

ORDER

Before: FARRIS and FRIEDLAND, Circuit Judges.

Appellees' motion to dismiss this appeal for lack of jurisdiction is denied without prejudice to renewing the arguments in the answering brief. *See Nat'l Indus. v. Republic Nat'l Life Ins. Co.*, 677 F.2d 1258, 1262 (9th Cir. 1982) (stating that merits panel may consider appellate jurisdiction despite earlier denial of motion to dismiss).

Appellants' motion for a stay of district court proceedings pending appeal is denied. *See Nken v. Holder*, 556 U.S. 418 (2009).

The opening brief is now due June 22, 2015; the answering brief is due July 22, 2015; and the optional reply brief is due within 14 days after service of the answering brief.