

UNITED STATES COURT OF APPEALS

FILED

FOR THE NINTH CIRCUIT

OCT 13 2020

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

COLIN SCHOLL; LISA STRAWN, on
behalf of themselves and all others similarly
situated,

Plaintiffs-Appellees,

JOHN GALVAN; PATRICK TAYLOR,

Intervenor-Plaintiffs-
Appellees,

v.

STEVEN TERNER MNUCHIN, in his
official capacity as the Secretary of the U.S.
Department of Treasury; et al.,

Defendants-Appellants.

No. 20-16963

D.C. No. 4:20-cv-05309-PJH
Northern District of California,
Oakland

ORDER

Before: W. FLETCHER, BERZON, and BYBEE, Circuit Judges.

Upon review of appellants' emergency stay motion and the opposition thereto, we conclude that appellants have not established that it would have been impracticable to present the stay motion and the evidence on which appellants rely to the district court in the first instance. *See* Fed. R. App. P. 8(a)(2)(A)(i). We therefore deny appellants' emergency stay motion (Docket Entry No. 6) without prejudice to its renewal following the district court's resolution of the stay motion pending before it. *See* Fed. R. App. P. 8(a).

To the extent it may be necessary, we remand this matter to the district court for the limited purpose of allowing it to modify the terms of the October 7, 2020 order in response to the evidence presented by appellants in support of their stay motion or any requests by the parties.