

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 10-5032

September Term 2009

1:09-cv-00771-RJL

Filed On: February 2, 2010

Smoking Everywhere, Inc., et al.,

Appellees

v.

Food & Drug Administration, et al.,

Appellants

BEFORE: Ginsburg, Henderson, and Rogers, Circuit Judges

ORDER

Upon consideration of the emergency motion for stay pending appeal and for immediate temporary stay pending this court's consideration; and the motion to strike the emergency motion, it is

ORDERED that the motion to strike be denied. It is

FURTHER ORDERED that the district court's order entered January 14, 2010, granting appellees' motions for injunctive relief, be stayed pending further order of the court. The purpose of this administrative stay is to give the court sufficient opportunity to consider the merits of the emergency motion for stay pending appeal and should not be construed in any way as a ruling on the merits of that motion. See D.C. Circuit Handbook of Practice and Internal Procedures 33 (2009). It is

FURTHER ORDERED that appellees file and serve a joint response by 10:00 a.m., Thursday, February 4, 2010, and appellants file and serve any reply by 10:00 a.m., Monday, February 8, 2010. The parties are directed to hand-deliver the paper copies of their submissions to the court by the time and date due.

Per Curiam