



Office of the Clerk  
**United States Court of Appeals for the Ninth Circuit**  
Post Office Box 193939  
San Francisco, California 94119-3939  
415-355-8000

Molly C. Dwyer  
Clerk of Court

February 22, 2010

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No.: 10-35174  
D.C. No.: 2:08-cv-00023-SEH  
Short Title: Steve Kelly, et al v. Linda McCulloch

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Dear Appellant/Counsel

A copy of your notice of appeal/petition has been received in the Clerk's office of the United States Court of Appeals for the Ninth Circuit. The U.S. Court of Appeals docket number shown above has been assigned to this case. You must indicate this Court of Appeals docket number whenever you communicate with this court regarding this case.

Please furnish this docket number immediately to the court reporter if you place an order, or have placed an order, for portions of the trial transcripts. The court reporter will need this docket number when communicating with this court.

**The due dates for filing the parties' briefs and otherwise perfecting the appeal have been set by the enclosed "Time Schedule Order," pursuant to applicable FRAP rules. These dates can be extended only by court order. Failure of the appellant to comply with the time schedule order will result in automatic dismissal of the appeal. 9th Cir. R. 42-1.**

Enclosed with this letter is an appellate processing schedule along with a case processing checklist to help you monitor the progress of your case.

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

FEB 22 2010

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

STEVE KELLY; CLARICE DREYER,

Plaintiffs - Appellants,

v.

LINDA MCCULLOCH, in her official  
capacity as Secretary of State of the State  
of Montana,

Defendant - Appellee.

No. 10-35174

D.C. No. 2:08-cv-00023-SEH  
U.S. District Court for Montana,  
Butte

**TIME SCHEDULE ORDER**

The parties shall meet the following time schedule.

If there were reported hearings, the parties shall designate and, if necessary, cross-designate the transcripts pursuant to 9th Cir. R. 10-3.1. If there were no reported hearings, the transcript deadlines do not apply.

**Mon., March 1, 2010**

Mediation Questionnaire due. If your registration for Appellate ECF is confirmed after this date, the Mediation Questionnaire is due within one day of receiving the email from PACER confirming your registration.

**Wed., March 24, 2010**

Transcript shall be ordered.

**Fri., April 23, 2010**

Transcript shall be filed by court reporter.

**Wed., June 2, 2010**

Appellant's opening brief and excerpts of record shall

be served and filed pursuant to FRAP 32 and 9th Cir. R. 32-1.

**Fri., July 2, 2010**

Appellee's answering brief and excerpts of record shall be served and filed pursuant to FRAP 32 and 9th Cir. R. 32-1.

**The optional appellant's reply brief shall be filed and served within fourteen days of service of the appellee's brief, pursuant to FRAP 32 and 9th Cir. R. 32-1.**

**Failure of the appellant to comply with the Time Schedule Order will result in automatic dismissal of the appeal. See 9th Cir. R. 42-1.**

FOR THE COURT:

Molly C. Dwyer  
Clerk of Court

Gerald Rosen  
Deputy Clerk