

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 10-5032

September Term 2009

1:09-cv-00771-RJL

Filed On: March 31, 2010

Smoking Everywhere, Inc., et al.,

Appellees

v.

Food & Drug Administration, et al.,

Appellants

BEFORE: Ginsburg, Griffith, and Kavanaugh, Circuit Judges

ORDER

Upon consideration of the emergency motion for stay pending appeal, the joint opposition thereto, and the reply; and the court's administrative stay issued February 2, 2010, it is

ORDERED that the administrative stay be dissolved. It is

FURTHER ORDERED that the motion for stay be granted. Appellants have satisfied the stringent standards required for a stay pending appeal. See Washington Metropolitan Area Transit Commission v. Holiday Tours, Inc., 559 F.2d 841, 843 (D.C. Cir. 1977); D.C. Circuit Handbook of Practice and Internal Procedures 32-33 (2009). It is

FURTHER ORDERED, on the court's own motion, that consideration of this appeal be expedited. The Clerk is directed to enter a briefing schedule and to calendar this case for oral argument on the first appropriate date in September 2010.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY:
Heather Stockslager
Deputy Clerk/LD