

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

TELEVISA S.A. DE C.V., <i>Plaintiff-Appellant,</i> v. DTVLA WC INC., <i>Defendant-Appellee.</i>

No. 02-56798
D.C. No.
CV-02-05862-LGB
ORDER

Filed May 6, 2004

Before: Alfred T. Goodwin, Robert R. Beezer,
Circuit Judges, and William W Schwarzer,
Senior District Judge.*

ORDER

It has come to the court's attention that we may lack jurisdiction over Televisa's appeal. We withdraw our opinion filed on April 1, 2004. We direct the parties to submit letter briefs not exceeding 5 pages in length within 30 days of the date of this order, addressing the following issues:

(1) Whether appellate jurisdiction over the district court's denial of Televisa's motion for a preliminary injunction to stay arbitration is governed by 28 U.S.C. § 1292(a)(1) or 9 U.S.C. § 16(b)(4).

(2) Whether, if governed by 9 U.S.C. § 16(b)(4), the district court's denial of Televisa's motion for a preliminary injunction to stay arbitration nonetheless forms a basis under

*The Honorable William W Schwarzer, Senior United States District Court Judge for the Northern District of California, sitting by designation.

Quackenbush v. Allstate Ins. Co., 121 F.3d 1372 (9th Cir. 1997), or any other case, for jurisdiction to review the district court's order granting DTVLA's motion to compel.

(3) Whether this court has jurisdiction to review the district court's order granting DTVLA's motion to compel independent of the district court's denial of Televisa's motion for preliminary injunction under 9 U.S.C. § 16(a)(3), which provides that an appeal may be taken from "a final a decision with respect to an arbitration that is subject to this title." *See Prudential Ins. Co. v. Lai*, 42 F.3d 1299 (9th Cir. 1997).

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