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## UNITED STATES COURT OF APPEALS

#### FOR THE NINTH CIRCUIT

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

JUL 27 2023

### TRACY CAEKAERT; CAMILLIA MAPLEY,

Plaintiffs-Appellees,

PHILIP BRUMLEY,

Defendant-Appellant,

and

WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK; et al.,

Defendants.

Before: TALLMAN, N.R. SMITH, and COLLINS, Circuit Judges.

The motion to dismiss this appeal for lack of jurisdiction and request for sanctions (Docket Entry No. 4) is denied without prejudice to renewing the arguments in the answering brief. See Nat'l Indus. v. Republic Nat'l Life Ins. Co., 677 F.2d 1258, 1262 (9th Cir. 1982) (merits panel may consider appellate

jurisdiction despite earlier denial of motion to dismiss).

The briefing schedule established previously remains in effect.

v.

D.C. No. 1:20-cv-00052-SPW

No. 23-35329

District of Montana, Billings

**ORDER** 

FILED