

UNITED STATES COURT OF APPEALS

OCT 09 2008

FOR THE NINTH CIRCUIT

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

CLARK K.; et al.,

Plaintiffs - Petitioners,

v.

MICHAEL WILLDEN, Director, Nevada
DHHS; et al.,

Defendants - Respondents.

No. 08-80110

D.C. No. 2:06-cv-01068-RCJ-RJJ
District of Nevada,
Las Vegas

ORDER

Before: WARDLAW and W. FLETCHER, Circuit Judges.

Respondents' motion to accept a late-filed response to the petition for permission to appeal is granted. The Clerk shall file respondents' response, received by the court on August 20, 2008.

The court, in its discretion, grants the petition for permission to appeal the district court's July 14, 2008 order denying class action certification. *See* Fed. R. Civ. P. 23(f); *Chamberlan v. Ford Motor Co.*, 402 F.3d 952 (9th Cir. 2005) (per curiam). Within 10 days after the date of this order, petitioners shall perfect the appeal in accordance with Federal Rule of Appellate Procedure 5(d).