

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

NOV 10 2022

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

NOELLE LEE, derivatively on behalf of The
Gap, Inc,

Plaintiff-Appellant,

v.

ROBERT J. FISHER; et al.,

Defendants-Appellees.

No. 21-15923

D.C. No. 3:20-cv-06163-SK
Northern District of California,
San Francisco

ORDER

Defendants-Appellees' Motion for Supplemental Briefing is GRANTED IN PART AND DENIED IN PART (Doc. 61). Plaintiff-Appellant's Cross-Motion for Supplemental Briefing is GRANTED IN PART AND DENIED IN PART (Doc. 62).

Each party shall file a supplemental brief not to exceed 4,000 words by close of business on Monday, November 28, 2022, on the following two issues: (1) the legal impact of the fact that the Defendants-Appellees' forum-selection clause applies only to derivative claims, not direct claims, under the Exchange Act; and (2) the application of 8 Del. Code § 115.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Omar Cubillos
Deputy Clerk
Ninth Circuit Rule 27-7