

S.D.N.Y. – N.Y.C.
16-cv-8412
Nathan, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 9th day of October, two thousand eighteen.

Present:

John M. Walker, Jr.,
Raymond J. Lohier, Jr.,
Circuit Judges,
William H. Pauley III,*
District Judge.

Melissa Ferrick, Jaco Pastorius, Inc., Gerencia 360 Publishing, Inc.,

Plaintiffs-Appellees,

David Lowery, individually and on behalf of himself and all others
similarly situated, et al.,

Plaintiffs,

v.

Kristin Diable, Tamara Dearing, Tracy Silverman, Phynjuar
Saunders-Thomas, Andrew Paley, Watson Music Group, LLC,
DM Records, Inc., Kingfish Music Group, Inc.,

18-1702 (L),
18-1864 (Con),
18-1868 (Con),
18-1870 (Con),
18-1872 (Con)

Objectors-Appellants,

v.

* Judge William H. Pauley III, of the United States District Court for the Southern District of New York, sitting by designation.

Spotify USA Inc., a Delaware corporation,

Defendant-Appellee.

Plaintiffs-Appellees move to dismiss the appeal docketed under 18-1702 for lack of nonparty appellate standing, and Plaintiffs-Appellees and Defendant-Appellee jointly move to dismiss the appeal docketed under 18-1872 for lack of nonparty appellate standing. Objectors-Appellants Kristin Diable and Tamara Dearing move for leave to file a sur-reply in 18-1702. Upon due consideration, it is hereby ORDERED that the motion for leave to file a sur-reply is GRANTED. *See* Fed. R. App. P. 2. It is further ORDERED that the motions to dismiss are GRANTED. *See Devlin v. Scardelletti*, 536 U.S. 1, 7, 14 (2005).

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court

The image shows a handwritten signature in cursive that reads "Catherine O'Hagan Wolfe". The signature is written over a circular official seal. The seal is divided into two halves: the top half is red and contains the text "UNITED STATES" and "SECOND CIRCUIT" with two small stars on either side; the bottom half is blue and contains the text "COURT OF APPEALS".