

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

AUG 29 2022

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

JONES DAY,

Petitioner-Appellant,

v.

ORRICK, HERRINGTON & SUTCLIFFE,
LLP; et al.,

Respondents-Appellees.

No. 21-16642

D.C. No. 4:21-mc-80181-JST
Northern District of California,
Oakland

ORDER

Before: WARDLAW, IKUTA, and BADE, Circuit Judges.

Arguments not clearly and specifically raised by a party are waived. Fed. R. App. P. 28(a)(8)(A), (b) (appellate brief must include “[the party’s] contentions and the reasons for them, with citations to the authorities and parts of the record on which [the party] relies.”); *Crime Just. & Am., Inc. v. Honea*, 876 F.3d 966, 978 (9th Cir. 2017) (“Issues raised in a brief which are not supported by argument are deemed abandoned.”) (internal quotation marks and citation omitted). Orrick declined to address the arguments it now raises in its petition for rehearing in its answering brief. *See United States v. Dreyer*, 804 F.3d 1266, 1277 (9th Cir. 2015) (en banc) (“Generally, an appellee waives any argument it fails to raise in its answering brief.”); *Clem v. Lomeli*, 566 F.3d 1177, 1182 (9th Cir. 2009) (holding that appellee waived an issue by “declining to advance any argument” regarding

the issue in his opening brief). The panel is disinclined to grant panel rehearing based on challenges to the subpoena that Orrick did not specifically raise or address before us and which it therefore waived.

Accordingly, Appellees' petition for panel rehearing is **DENIED**.