

S.D.N.Y.-N.Y.C.  
03-cv-2175  
Holwell, J.

# MANDATE

## 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 Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 28<sup>th</sup> day of September, two thousand eleven,

Present:

John M. Walker, Jr.,  
Chester J. Straub,  
Debra Ann Livingston,  
*Circuit Judges.*

**USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: November 22, 2011**

*In re* Vivendi Universal, S.A. and Universal Studios,  
Inc.,

11-3140-op

*Petitioners.*

Petitioners, through counsel, have filed a petition for a writ of mandamus. Upon due consideration, it is hereby ORDERED that the mandamus petition is DENIED because Petitioners have not demonstrated that they lack an adequate, alternative means of obtaining relief. *See In re von Bulow*, 828 F.2d 94, 98 (2d Cir. 1987). We further observe that Petitioners have not sought certification pursuant to 28 U.S.C. § 1292(b) of the District Court’s denial rationale, albeit, without a written opinion; that the District Court has set a January 2012 trial date; and that the District Court having assured the parties that an opinion was “forthcoming”, we are confident that a formal opinion will be timely available for Petitioners’ appellate purposes. And, in any event, the issues addressed in the petition can be effectively presented in an appeal from the final judgment.

FOR THE COURT:  
Catherine O’Hagan Wolfe, Clerk

  


A True Copy

Catherine O’Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

  


**MANDATE ISSUED ON 11/22/2011**