

General Docket
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 12-15705 **Docketed:** 03/30/2012
Nature of Suit: 3410 Antitrust
Theodore H. Frank, et al v. Netflix, Inc., et al
Appeal From: U.S. District Court for Northern California, Oakland
Fee Status: Paid

Case Type Information:

- 1) civil
- 2) private
- 3) null

Originating Court Information:**District:** 0971-4 : [4:09-md-02029-PJH](#)**Court Reporter:** Debra J. Campbell**Court Reporter:** Joan Marie Columbini**Court Reporter:** Connie McCarthy Kuhl**Court Reporter:** Leo T. Mankiewicz**Court Reporter:** Raynee Mercado**Court Reporter:** Diane E. Skillman, Official Court Reporter**Court Reporter:** Lydia Radovich Zinn, Official Court Reporter**Trial Judge:** Phyllis J. Hamilton, District Judge**Date Filed:** 04/13/2009**Date Order/Judgment:**

03/29/2012

Date Order/Judgment EOD:

03/29/2012

Date NOA Filed:

03/30/2012

Date Rec'd COA:

03/30/2012

Prior Cases:[11-16415](#)**Date Filed:** 06/06/2011**Date Disposed:** 07/29/2011**Disposition:** FRAP 42b Dismissal[11-17228](#)**Date Filed:** 09/20/2011**Date Disposed:** 02/13/2012**Disposition:** FRAP 42b Dismissal - Clerk Order**Current Cases:**

	Lead	Member	Start	End
Companion	11-18034	12-16160	05/14/2012	
	11-18034	12-16183	05/16/2012	
	12-15889	12-15957	04/25/2012	
	12-15889	12-15996	04/30/2012	
	12-15889	12-16010	05/01/2012	
	12-15889	12-16038	05/03/2012	
	12-15957	12-15996	04/30/2012	
	12-15957	12-16010	05/01/2012	
	12-15957	12-16038	05/03/2012	
	12-15996	12-16010	05/01/2012	
	12-15996	12-16038	05/03/2012	
	12-16010	12-16038	05/03/2012	
	Consolidated	12-15705	12-15889	05/08/2012
12-15705		12-15957	05/08/2012	
12-15705		12-15996	05/08/2012	
12-15705		12-16010	05/08/2012	
12-15705		12-16038	05/08/2012	
Cross-Appeal	12-16160	12-16183	05/16/2012	
Related	11-18034	12-15705	03/30/2012	
	11-18034	12-15889	04/18/2012	
	11-18034	12-15957	04/25/2012	
	11-18034	12-15996	04/30/2012	
	11-18034	12-16010	05/01/2012	
	11-18034	12-16038	05/03/2012	
	12-15705	12-16160	07/31/2012	
	12-15705	12-16183	05/16/2012	
	12-15889	12-16160	05/14/2012	
	12-15889	12-16183	05/16/2012	
	12-15957	12-16160	05/14/2012	
	12-15957	12-16183	05/16/2012	
	12-15996	12-16160	05/14/2012	
	12-15996	12-16183	05/16/2012	
	12-16010	12-16160	05/14/2012	
	12-16010	12-16183	05/16/2012	

[12-16038](#)
[12-16038](#)

[12-16160](#)
[12-16183](#)

05/14/2012
05/16/2012

In re: ONLINE DVD RENTAL ANTITRUST LITIGATION

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In re: ONLINE DVD RENTAL ANTITRUST LITIGATION,

ANDREA RESNICK; BRYAN EASTMAN; AMY LATHAM; MELANIE MISCIOSCIA; STAN MAGEE; MICHAEL OROZCO; LISA SIVEK;
MICHAEL WIENER,

Plaintiffs - Appellees,

v.

THEODORE H. FRANK,

Objector - Appellant,

v.

NETFLIX, INC.; WAL-MART STORES, INC.; WALMART.COM USA LLC,

Defendants - Appellees.

03/30/2012	<input type="checkbox"/> 1 20 pg, 354.18 KB	DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL AND PROSE APPELLANT. The schedule is set as follows: Transcript ordered by 04/30/2012. Transcript due 05/29/2012. Appellant Theodore H. Frank opening brief due 07/09/2012. Appellees Bryan Eastman, Amy Latham, Stan Magee, Melanie Miscioscia, Netflix, Inc., Michael Orozco, Andrea Resnick, Lisa Sivek, Wal-Mart Stores, Inc., Walmart.com USA LLC and Michael Wiener answering brief due 08/08/2012. Appellant's optional reply brief is due 14 days after service of the answering brief. [8122798] (GR)
04/06/2012	<input type="checkbox"/> 2 6 pg, 289.96 KB	Filed (ECF) Appellant Theodore H. Frank Mediation Questionnaire. Date of service: 04/06/2012. [8130698] (THF)
04/12/2012	<input type="checkbox"/> 3 3 pg, 131.08 KB	Filed (ECF) Appellant Theodore H. Frank Correspondence: Notice pursuant to Ninth Circuit Rule 10-3.1. Date of service: 04/12/2012 [8137655] (THF)
04/23/2012	<input type="checkbox"/> 4 2 pg, 26.71 KB	Filed order MEDIATION (VLS): Based on a review of the Mediation Questionnaire, this case is not selected for inclusion in the Mediation Program. The existing briefing schedule remains in effect. Counsel for any party interested in obtaining assistance from the court in pursuing settlement of the case on appeal or learning more about the Mediation Program is encouraged to contact Stephen Liacouras, Circuit Mediator, by e-mail at stephen_liacouras@ca9.uscourts.gov or fax at (415) 355-8566. The communication will be kept confidential, if requested, from the other parties in the case. Counsel are requested to send copies of this order to their clients. [8149995] (AF)
05/04/2012	<input type="checkbox"/> 5 13 pg, 70.93 KB	Filed (ECF) Appellees Bryan Eastman, Amy Latham, Stan Magee, Melanie Miscioscia, Michael Orozco, Andrea Resnick, Lisa Sivek and Michael Wiener Motion to consolidate cases 12-15705; 12-15889; 12-15957; 12-15996; 12-16010; 12-16038. Date of service: 05/04/2012. [8165291] (RGA)
05/08/2012	<input type="checkbox"/> 6 2 pg, 29.31 KB	Filed clerk order (Deputy Clerk: LBS): Appellees Andrea Resnick, Bryan Eastman, Amy Latham, Melanie Miscioscia, Stan Magee, Michael Orozco, Lisa Sivek, and Michael Wiener's motion to consolidate case nos. 12-15705, 12-15889, 12-15957, 12-15996, 12-16010, and 12-16038 is granted. The consolidated briefing schedule is as follows: the opening brief is due August 8, 2012; the answering brief is due September 7, 2012; and the optional reply brief is due within 14 days after service of the answering brief. The parties are encouraged to file one brief covering all the consolidated appeals. See 9th Cir. R. 28-4; Advisory Committee Note to Rule 28-4. Appellant remains obligated to respond to the order to show cause in no. 12-15996. [8169820] [12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038] (AF)
05/10/2012	<input type="checkbox"/> 7 7 pg, 391.52 KB	Filed (ECF) Appellant Maria Cope in 12-15996 Mediation Questionnaire. Date of service: 05/10/2012. [8173406] [12-15996, 12-15705, 12-15889, 12-15957, 12-16010, 12-16038] (JDP)
05/18/2012	<input type="checkbox"/> 8 6 pg, 40.39 KB	Filed order MEDIATION (VLS): These cases are under consideration for inclusion in the Mediation Program. Within 14 days of the date of this order, counsel for all parties intending to file briefs in these matters are requested to inform Stephen Liacouras, Circuit Mediator, in writing, by email at stephen_liacouras@ca9.uscourts.gov or fax at (415) 355-8566, of their clients' views on whether:.....This communication shall not be served on the opposing party and shall not be filed with the court. For more detailed information about the Mediation Program and its procedures generally, please see Mediation Program web site: www.ca9.uscourts.gov/mediation . The existing briefing schedule remains in effect pending the determination whether the case will be selected for inclusion in the Mediation Program. [8183066] [12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038, 12-16160] (AF)
05/18/2012	<input type="checkbox"/> 9 7 pg, 575.75 KB	Filed (ECF) notice of appearance of Gary W Sibley for Appellant Tracey Klinge Cox in 12-16038. Date of service: 05/18/2012. [8183629] [12-16038, 12-15705, 12-15889, 12-15957, 12-15996, 12-16010] (GWS)
05/18/2012	<input type="checkbox"/> 10 7 pg, 1.07 MB	Filed (ECF) Appellant Tracey Klinge Cox in 12-16038 Mediation Questionnaire. Date of service: 05/18/2012. [8183638] [12-16038, 12-15705, 12-15889, 12-15957, 12-15996, 12-16010] (GWS)
05/18/2012	<input type="checkbox"/> 11	Added attorney Gary W. Sibley for Tracey Klinge Cox, in case 12-16038. [8183730] [12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038] (EL)
05/21/2012	<input type="checkbox"/> 12 8 pg, 1.49 MB	Filed (ECF) Appellant John Sullivan in 12-16010 Mediation Questionnaire. Date of service: 05/21/2012. [8185156] [12-16010, 12-15705] (CL)
05/22/2012	<input type="checkbox"/> 13 1 pg, 11.78 KB	Filed (ECF) notice of appearance of Bandas, Christopher A. for Appellant Edmund F. Bandas in 12-15957. Date of service: 05/22/2012. [8187226] [12-15957, 12-15705, 12-15889, 12-15996, 12-16010, 12-16038] (CAB)
06/05/2012	<input type="checkbox"/> 14 5 pg, 30.05 KB	Filed order MEDIATION (SL): The court has determined that these appeals will not be selected for inclusion in the Mediation Program. [8202369] [12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038, 12-16160] (AF)
07/26/2012	<input type="checkbox"/> 15 3 pg, 909.04 KB	Filed (ECF) Appellant Tracey Klinge Cox in 12-16038 Motion for miscellaneous relief [Motion for Extension of Time to File Brief]. Date of service: 07/26/2012. [8265028] [12-16038, 12-15705, 12-15889, 12-15957, 12-15996, 12-16010] (GWS)
07/27/2012	<input type="checkbox"/> 16 7 pg, 35.9 KB	Filed (ECF) Appellees Bryan Eastman, Amy Latham, Stan Magee, Melanie Miscioscia, Michael Orozco, Andrea Resnick, Lisa Sivek and Michael Wiener in 12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038 response opposing motion (,motion for miscellaneous relief (to be used only if no other relief applies)). Date of service: 07/27/2012. [8266377] [12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038] (RGA)

07/31/2012	<input type="checkbox"/> 17 5 pg, 31.18 KB	Filed clerk order (Deputy Clerk: CB): The clerk sua sponte consolidates No. 12-16160 with the remainder of the objectors' appeals. No. 12-16183 is deemed a cross-appeal to objectors' appeals for purposes of briefing. Objector Cox's opposed motion for an extension of time to file the first brief on cross-appeal (principal) brief is granted. Objector Cox's brief is now due September 7, 2012. Defendant's second (principal/response) brief on cross-appeal is due October 9, 2012. The objectors' third (response/reply) brief on cross-appeal is due November 8, 2012. Defendant's final optional (reply) cross-appeal brief is due within 14 days of the last-served third brief. [8269728] [12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038, 12-16160, 12-16183] (AF)
07/31/2012	<input type="checkbox"/> 18 5 pg, 30.71 KB	Filed clerk order (Deputy Clerk: CB): The following provisions of the prior July 31, 2012 order are amended: the portion of the order that consolidated No. 12-16160 with the remainder of the objectors' appeals and deemed No. 12-16183 is deemed a cross-appeal to objectors' appeals is vacated. The prior briefing schedule for Nos. 12-16160 and 12-16183 is reinstated. Objector Cox's opposed motion for an extension of time to file the opening brief is granted. Objector Cox's brief is now due September 7, 2012. The answering brief is due October 9, 2012. The optional reply brief is due within 14 days after service of the answering brief. [8270013] [12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038, 12-16160, 12-16183] (AF)
08/01/2012	<input type="checkbox"/> 19 1 pg, 8.89 KB	Terminated Ellinor R. Coder for Walmart.com USA LLC and Wal-Mart Stores, Inc. in 12-15705, Walmart.com USA LLC and Wal-Mart Stores, Inc. in 12-15889, Walmart.com USA LLC and Wal-Mart Stores, Inc. in 12-15957, Walmart.com USA LLC and Wal-Mart Stores, Inc. in 12-15996, Walmart.com USA LLC and Wal-Mart Stores, Inc. in 12-16010 and Walmart.com USA LLC and Wal-Mart Stores, Inc. in 12-16038 [8271098] [12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038] (PH)
08/02/2012	<input type="checkbox"/> 20 4 pg, 87.63 KB	Filed (ECF) Appellant Maria Cope in 12-15996 Joint Motion to extend time to file Opening brief until 09/07/2012. Date of service: 08/02/2012. [8273523] [12-15996, 12-15705, 12-15889, 12-15957, 12-16010, 12-16038, 12-16160, 12-16183] (JDP)
08/07/2012	<input type="checkbox"/> 21	14 day oral extension by phone of time to file Appellant Theodore H. Frank in 12-15705 brief. Appellant Theodore H. Frank opening brief due 08/22/2012. Objector Cox's brief remains due September 7, 2012. Appellees Bryan Eastman, Amy Latham, Stan Magee, Melanie Miscioscia, Netflix, Inc., Michael Orozco, Andrea Resnick, Lisa Sivek, Wal-Mart Stores, Inc., Walmart.com USA LLC and Michael Wiener answering brief due 10/09/2012. The optional reply brief is due 14 days after the last served answering brief. [8278490] [12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038, 12-16160] (GS)
08/07/2012	<input type="checkbox"/> 22	14 day oral extension by phone of time to file Appellant Jon M. Zimmerman in 12-15889 brief. Appellant Jon M. Zimmerman opening brief due 08/22/2012. Objector Cox's brief remains due September 7, 2012. Appellees Bryan Eastman, Amy Latham, Stan Magee, Melanie Miscioscia, Netflix, Inc., Michael Orozco, Andrea Resnick, Lisa Sivek, Wal-Mart Stores, Inc., Walmart.com USA LLC and Michael Wiener answering brief due 10/09/2012. The optional reply brief is due 14 days after the last served answering brief. [8278563] [12-15889, 12-15705, 12-15957, 12-15996, 12-16010, 12-16038, 12-16160] (GS)
08/08/2012	<input type="checkbox"/> 23	14 day oral extension by phone of time to file Appellant John Sullivan's opening brief in 12-16010. The opening brief for Appellant John Sullivan is due 08/22/2012. Objector Cox's brief in 12-16038 remains due September 7, 2012. The answering brief for Appellees Bryan Eastman, Amy Latham, Stan Magee, Melanie Miscioscia, Netflix, Inc., Michael Orozco, Andrea Resnick, Lisa Sivek, Wal-Mart Stores, Inc., Walmart.com USA LLC and Michael Wiener is due 10/09/2012. The optional reply brief is due 14 days after service of the last-served answering brief. [8279428] [12-15705, 12-16010, 12-15889, 12-15957, 12-15996, 12-16038, 12-16160, 12-16183] (AT)
08/08/2012	<input type="checkbox"/> 24 2 pg, 148.18 KB	Filed (ECF) Appellant Theodore H. Frank Correspondence: grant of 9th Cir. R. 31 oral motion. Date of service: 08/08/2012 [8279545]--[COURT UPDATE: Spread docket text to 12-16010, 12-15889, 12-15957, 12-15996, 12-16038, 12-16160 & 12-16183. Resent NDA. 08/08/2012 by RY] (THF)
08/09/2012	<input type="checkbox"/> 25 5 pg, 34.18 KB	Filed clerk order (Deputy Clerk: AMT): The late joint motion for objectors Maria Cope ("Cope") in no. 12-15996 and Edmund Bandas ("Bandas") in no. 12-15957 for an extension of time to file the opening briefs is granted. The opening briefs for objectors Cope and Bandas are due September 7, 2012. The answering briefs are due October 9, 2012. The optional reply briefs are due within 14 days after service of the answering brief. This order was issued prior to the expiration of time within which a response may be filed. See Fed. R. App. P. 27(b). [8281268] [12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038, 12-16160, 12-16183] (AF)
08/09/2012	<input type="checkbox"/> 26 1 pg, 73.72 KB	Filed (ECF) Appellant John Sullivan in 12-16010 Correspondence: Extension of Briefing. Date of service: 08/09/2012 [8281492] [12-16010, 12-15705, 12-15889, 12-15957, 12-15996, 12-16038, 12-16160, 12-16183] (CL)
08/21/2012	<input type="checkbox"/> 27 47 pg, 385.52 KB	Submitted (ECF) Opening brief for review. Submitted by Appellant Theodore H. Frank. Date of service: 08/21/2012. [8293266]--[COURT UPDATE: Spread entry to consolidated cases, resent notice. 08/22/2012 by ASW]--[Edited: Unspread from 12-16160, 12-16183 (not consolidated with rest of cases). 08/26/2013 by RY] (THF)
08/22/2012	<input type="checkbox"/> 28 85 pg, 506.33 KB	Submitted (ECF) Opening brief for review. Submitted by Appellant John Sullivan in 12-16010. Date of service: 08/22/2012. [8295383] [12-16010, 12-15705]--[COURT UPDATE: Spread entry to consolidated cases. Resent notice. 08/23/2012 by ASW] (CL)
08/22/2012		

	<input type="checkbox"/> 29	Submitted (ECF) Opening brief for review. Submitted by Appellant Jon M. Zimmerman in 12-15889. Date of service: 08/22/2012. [8296399] [12-15889, 12-15705, 12-15957, 12-15996, 12-16010, 12-16038]--[COURT UPDATE: Attached certificate of compliance. Resent NDA. 08/26/2012 by RY] (JRF)
08/22/2012	<input type="checkbox"/> 30	Filed Appellant Theodore H. Frank, Appellant Edmund F. Bandas, Appellant John Sullivan, Appellant Tracey Klinge Cox excerpts of record in 3 volumes. Served on 08/21/2012. [8296470] [12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038] (WP)
08/23/2012	<input type="checkbox"/> 31	Filed clerk order: The opening brief [27] submitted by Theodore H. Frank is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: blue. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. [8296710] [12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038] (WP)
08/23/2012	<input type="checkbox"/> 32	Filed clerk order: The opening brief [28] submitted by John Sullivan is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: blue. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. [8297238] [12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038] (WP)
08/24/2012	<input type="checkbox"/> 33	Received 7 paper copies of Opening brief [27] filed by Theodore H. Frank. [8298905] [12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038] (SD)
08/27/2012	<input type="checkbox"/> 34	Filed clerk order: The opening brief [29] submitted by Jon M. Zimmerman is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: blue. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. [8299647] [12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038] (WP)
08/29/2012	<input type="checkbox"/> 35	Filed Appellant Jon M. Zimmerman in 12-15889 excerpts of record in 3 volumes. Served on 08/22/2012. [8304524] [12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038] (WP)
08/30/2012	<input type="checkbox"/> 36	Received 7 paper copies of Opening brief [29] filed by Jon M. Zimmerman. [8305996] [12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038] (SD)
08/31/2012	<input type="checkbox"/> 37	Received 7 paper copies of Opening brief [28] filed by John Sullivan. [8307523] [12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038] (SD)
09/07/2012	<input type="checkbox"/> 38	Submitted (ECF) Opening brief for review. Submitted by Appellant Tracey Klinge Cox in 12-16038. Date of service: 09/07/2012. [8314809] [12-16038, 12-15705, 12-15889, 12-15957, 12-15996, 12-16010] (GWS)
09/07/2012	<input type="checkbox"/> 39	Filed clerk order: The opening brief [38] submitted by Tracey Klinge Cox in 12-16038 is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: blue. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. [8315111] [12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038] (WP)
09/07/2012	<input type="checkbox"/> 40	Submitted (ECF) Opening brief for review. Submitted by Appellant Maria Cope in 12-15996, Appellant Edmund F. Bandas in 12-15957. Date of service: 09/07/2012. [8315366] [12-15996, 12-15705, 12-15889, 12-15957, 12-16010, 12-16038] (JDP)
09/10/2012	<input type="checkbox"/> 41	Filed clerk order: The opening brief [40] submitted by Edmund F. Bandas in 12-15957, Maria Cope in 12-15996 is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: blue. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. [8315737] [12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038] (WP)
09/12/2012	<input type="checkbox"/> 42	Received 7 paper copies of Opening brief [38] filed by Tracey Klinge Cox. in 12-16038. [8320920] [12-16038, 12-15705, 12-15889, 12-15957, 12-15996, 12-16010] (SD)
09/19/2012	<input type="checkbox"/> 43	Received 7 paper copies of Opening brief [40] filed by Edmund F. Bandas in 12-15957 Maria Cope in 12-15996. [8330245] [12-15996, 12-15705, 12-15889, 12-15957, 12-16010, 12-16038] (SD)
10/09/2012	<input type="checkbox"/> 44	Submitted (ECF) Answering brief for review. Submitted by Appellees Bryan Eastman, Amy Latham, Stan Magee, Melanie Miscioscia, Michael Orozco, Andrea Resnick, Lisa Sivek and Michael Wiener in 12-16010. Date of service: 10/09/2012. [8352560] [12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038] --[COURT UPDATE: Attached corrected brief. Resent NDA. 10/11/2012 by RY] (TAS)
10/09/2012	<input type="checkbox"/> 45	Filed (ECF) Appellees Wal-Mart Stores, Inc. and Walmart.com USA LLC in 12-15705 Correspondence: Letter from Wal-Mart stating that it does not intend to file an Appellees' brief.. Date of service: 10/09/2012 [8352696] [12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038] (PWR)
10/09/2012		

- 48 Received Appellee Bryan Eastman et al., addendum served on 10/09/2012 [8364161] [12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038] (WP)
- 10/11/2012 [46](#)
5 pg, 107.09 KB Filed clerk order: The answering brief [44] submitted by Bryan Eastman, Amy Latham, Stan Magee, Melanie Miscioscia, Michael Orozco, Andrea Resnick, Lisa Sivek and Michael Wiener in 12-15705 is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: red. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. [8356419] [12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038] (WP)
- 10/15/2012 47 Filed Appellees supplemental excerpts of record on appeal in 1 volume. [8360257] [12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038] (WP)
- 10/17/2012 49 Oral extension by phone of time to file optional reply brief. Appellant Theodore H. Frank reply brief due 11/06/2012. [8365699] (LKK)
- 10/17/2012 [50](#)
2 pg, 73.69 KB Filed (ECF) Appellant Theodore H. Frank Correspondence: Correspondence to all parties regarding 14-day extension to file Appellant Frank's reply brief.. Date of service: 10/17/2012 [8365840] (THF)
- 10/19/2012 51 Oral extension by phone of time to file the reply brief for appellant Jon M. Zimmerman in 12-15889 is granted. The reply brief for appellant Jon Zimmerman is due November 9, 2012. [8368840] [12-15889, 12-15705, 12-15957, 12-15996, 12-16010, 12-16038] (AT)
- 10/19/2012 [52](#)
1 pg, 100.69 KB Filed (ECF) Appellant Jon M. Zimmerman in 12-15889 Correspondence: Confirming extension to file reply brief. Date of service: 10/19/2012 [8369041] [12-15889, 12-15705, 12-15957, 12-15996, 12-16010, 12-16038] (JRF)
- 10/22/2012 53 Oral extension by phone of time to file optional reply brief. Appellant Tracey Klinge Cox reply brief due 11/07/2012. [8371269] (LKK)
- 10/23/2012 [54](#)
4 pg, 88.76 KB Filed (ECF) Appellant Maria Cope in 12-15996, Appellant Edmund F. Bandas in 12-15957 Joint Motion to extend time to file Reply brief until 11/06/2012. Date of service: 10/23/2012. [8372882] [12-15996, 12-15705, 12-15889, 12-15957, 12-16010, 12-16038] (JDP)
- 10/23/2012 55 Oral extension by phone of time to file John Sullivan in 12-16010 optional reply brief. The reply brief for appellant Sullivan is due 11/9/12. [8373631] [12-16010, 12-15705, 12-15889, 12-15957, 12-15996, 12-16038] (GS)
- 10/24/2012 [56](#)
4 pg, 113.1 KB Filed clerk order (Deputy Clerk: LKK): Granting Motion (ECF Filing) Appellant Maria Cope and Edmund F. Dandas' joint motion for an extension of time to file the reply briefs is granted. The reply briefs are due 11/06/2012. [8374545] [12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038] (LKK)
- 11/05/2012 [57](#)
34 pg, 314.2 KB Submitted (ECF) Reply brief for review. Submitted by Appellant Theodore H. Frank. Date of service: 11/05/2012. [8387254]--[COURT UPDATE: Spread docket text to 12-15889, 12-15957, 12-15996, 12-16010, 12-16038. Resent NDA. 11/05/2012 by RY] (THF)
- 11/05/2012 [58](#)
5 pg, 107.12 KB Filed clerk order: The reply brief [57] submitted by Theodore H. Frank is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: gray. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. [8388615] [12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038] (WP)
- 11/05/2012 59 Received 7 paper copies of Answering brief [44] filed by Bryan Eastman, et al. [8389577] [12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038] (SD)
- 11/07/2012 [60](#)
11 pg, 37.64 KB Submitted (ECF) Reply brief for review. Submitted by Appellant Tracey Klinge Cox in 12-16038. Date of service: 11/07/2012. [8392099] [12-16038, 12-15705, 12-15889, 12-15957, 12-15996, 12-16010]--[COURT UPDATE: Attached corrected brief. Resent NDA. 11/08/2012 by RY] (GWS)
- 11/07/2012 61 Received 7 paper copies of Reply brief [57] filed by Theodore H. Frank. [8394021] [12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038] (SD)
- 11/08/2012 [62](#)
5 pg, 107.12 KB Filed clerk order: The reply brief [60] submitted by Tracey Klinge Cox is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: gray. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. [8394471] [12-16038, 12-15705, 12-15889, 12-15957, 12-15996, 12-16010] (WP)
- 11/09/2012 [63](#)
13 pg, 320.1 KB Submitted (ECF) Reply brief for review. Submitted by Appellant John Sullivan in 12-16010. Date of service: 11/09/2012. [8397420] [12-16010, 12-15705, 12-15889, 12-15957, 12-15996, 12-16038] (CL)
- 11/09/2012 [64](#)
17 pg, 376.5 KB Submitted (ECF) Reply brief for review. Submitted by Appellant Jon M. Zimmerman in 12-15889. Date of service: 11/09/2012. [8397427] [12-15889, 12-15705, 12-15957, 12-15996, 12-16010, 12-16038] (JRF)
- 11/13/2012

<input type="checkbox"/> 65 5 pg, 107.12 KB	Filed clerk order: The reply brief [63] submitted by John Sullivan is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: gray. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. [8397583] [12-16010, 12-15705, 12-15889, 12-15957, 12-15996, 12-16038] (WP)
11/13/2012 <input type="checkbox"/> 66 5 pg, 107.12 KB	Filed clerk order: The reply brief [64] submitted by Jon M. Zimmerman is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: gray. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. [8397585] [12-16010, 12-15705, 12-15889, 12-15957, 12-15996, 12-16038] (WP)
11/15/2012 <input type="checkbox"/> 67 9 pg, 170 KB	Submitted (ECF) Reply brief for review. Submitted by Appellant Maria Cope in 12-15996. Date of service: 11/15/2012. [8403816] [12-15996, 12-15705, 12-15889, 12-15957, 12-16010, 12-16038] (JDP)
11/16/2012 <input type="checkbox"/> 68	Received 7 paper copies of Reply brief [60] filed by Tracey Klinge Cox. [8405951] [12-16038, 12-15705, 12-15889, 12-15957, 12-15996, 12-16010] (DB)
11/20/2012 <input type="checkbox"/> 69	Received 7 paper copies of Reply brief [64] filed by Jon M. Zimmerman. [8410695] [12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038] (SD)
11/21/2012 <input type="checkbox"/> 70 4 pg, 87.92 KB	Filed (ECF) Appellant Maria Cope in 12-15996, Appellant Edmund F. Bandas in 12-15957 Joint Motion to file a late brief. Date of service: 11/21/2012. [8411329] [12-15996, 12-15705, 12-15889, 12-15957, 12-16010, 12-16038] (JDP)
11/27/2012 <input type="checkbox"/> 71 1 pg, 24.26 KB	Filed clerk order (Deputy Clerk: CAG): Appellants' Maria Cope and Edmund Bandas' motion for leave to file a late reply brief is granted. The Clerk shall file the previously received reply brief. [8415202] [12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038] (AF)
11/27/2012 <input type="checkbox"/> 72 5 pg, 107.11 KB	Filed clerk order: The reply brief [67] submitted by Maria Cope is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: gray. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. [8415537] [12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038] (WP)
12/06/2012 <input type="checkbox"/> 73	Received 7 paper copies of Reply brief [67] filed by Maria Cope. [8429015] [12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038] (SD)
12/07/2012 <input type="checkbox"/> 74	Received 7 paper copies of Reply brief [63] filed by John Sullivan. [8430350] [12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038] (SD)
07/17/2013 <input type="checkbox"/> 75 57 pg, 447.6 KB	Filed (ECF) Appellant Theodore H. Frank citation of supplemental authorities. Date of service: 07/17/2013. [8707431]--[COURT UPDATE: Spread docket text to 12-15957, 12-16038, 12-15889, 12-15996, 12-16010. Resent NDA. 07/17/2013 by RY] (THF)
07/26/2013 <input type="checkbox"/> 76 3 pg, 48.67 KB	Filed (ECF) Appellees Bryan Eastman, Amy Latham, Stan Magee, Melanie Miscioscia, Michael Orozco, Andrea Resnick, Lisa Sivek and Michael Wiener in 12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038 citation of supplemental authorities. Date of service: 07/26/2013. [8719302] [12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038] (RGA)
08/23/2013 <input type="checkbox"/> 77 1 pg, 85.19 KB	Sent Notice requesting electronic excerpts in 14 days. [8754570] [12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038] (SOS)
08/26/2013 <input type="checkbox"/> 78 474 pg, 11.47 MB	Submitted (ECF) excerpts of record. Submitted by Appellant Theodore H. Frank. Date of service: 08/21/2012. [8755380]--[COURT UPDATE: Spread docket text to 12-15957, 12-16038, 12-15889, 12-15996, 12-16010. Resent NDA. 08/26/2013 by RY] (THF)
08/27/2013 <input type="checkbox"/> 79 35 pg, 2.63 MB	Submitted (ECF) supplemental excerpts of record. Submitted by Appellees Bryan Eastman, Amy Latham, Stan Magee, Melanie Miscioscia, Michael Orozco, Andrea Resnick, Lisa Sivek and Michael Wiener. Date of service: 10/09/2012. [8758000]--[COURT UPDATE: Spread docket text to 12-15957, 12-16038, 12-15889, 12-15996, 12-16010. Resent NDA. 08/27/2013 by RY] (TAS)
09/06/2013 <input type="checkbox"/> 80 501 pg, 20.59 MB	Submitted (ECF) excerpts of record. Submitted by Appellant Jon M. Zimmerman in 12-15889. Date of service: 08/22/2012. [8771272] [12-15889, 12-15705, 12-15957, 12-15996, 12-16010, 12-16038] (JRF)
09/13/2013 <input type="checkbox"/> 81	Terminated participation of Court Reporter James Jonathan Yeomans in this case. [8782343] [12-16038, 12-15705, 12-15889, 12-15957, 12-15996, 12-16010] (ASW)
09/24/2013 <input type="checkbox"/> 82 9 pg, 442.28 KB	Notice of Oral Argument on Monday, December 2, 2013 - 9:00 AM - Courtroom 2, 3rd Floor - James R. Browning US Courthouse - San Francisco, CA. Please return ACKNOWLEDGMENT OF HEARING NOTICE form to: SAN FRANCISCO Office. Please open attached documents to view details about your case. [8794431] [12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038] (RB)
09/24/2013 <input type="checkbox"/> 83 1 pg, 99.52 KB	Filed (ECF) Acknowledgment of hearing notice. Location: San Francisco. Filed by Party Theodore H. Frank. [8794466] (THF)

- 09/24/2013 [84](#)
1 pg, 73.27 KB Filed (ECF) Acknowledgment of hearing notice. Location: San Francisco. Filed by Attorney Joshua Reuben Furman for Appellant Jon M. Zimmerman in 12-15889. [8794636] [12-15889, 12-15705, 12-15957, 12-15996, 12-16010, 12-16038] (JRF)
- 09/25/2013 [85](#)
1 pg, 735.82 KB Filed (ECF) Acknowledgment of hearing notice. Location: San Francisco. Filed by Attorney Mr. Gary W. Sibley for Appellant Tracey Klinge Cox in 12-16038. [8796097] [12-16038, 12-15705, 12-15889, 12-15957, 12-15996, 12-16010] (GWS)
- 09/28/2013 [86](#)
1 pg, 92.39 KB Filed (ECF) Acknowledgment of hearing notice. Location: San Francisco. Filed by Attorney Lawrence C. DiNardo, Esquire for Appellees Wal-Mart Stores, Inc. and Walmart.com USA LLC in 12-15705. [8801034] [12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038] (PWR)
- 09/28/2013 [87](#)
1 pg, 93.25 KB Filed (ECF) Acknowledgment of hearing notice. Location: San Francisco. Filed by Attorney Ms. Paula W. Render for Appellees Wal-Mart Stores, Inc. and Walmart.com USA LLC in 12-16038. [8801035] [12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038] (PWR)
- 09/30/2013 [88](#)
1 pg, 55.48 KB Filed (ECF) Acknowledgment of hearing notice. Location: San Francisco. Filed by Attorney Christopher Andres Bandas for Appellant Edmund F. Bandas in 12-15957. [8801513] [12-15957, 12-15705, 12-15889, 12-15996, 12-16010, 12-16038] (CAB)
- 09/30/2013 [89](#)
1 pg, 399.81 KB Filed (ECF) Acknowledgment of hearing notice. Location: San Francisco. Filed by Attorney Todd A. Seaver for Appellees Andrea Resnick, Bryan Eastman, Amy Latham, Melanie Miscioscia, Stan Magee, Michael Orozco, Lisa Sivek and Michael Wiener in 12-15705. [8802460] [12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038] (TAS)
- 10/22/2013 [90](#)
2 pg, 34.91 KB Filed clerk order (Deputy Clerk: BJB): Due to the recusal of the panel assigned, these cases are removed from the December 2, 2013, San Francisco calendar. The parties will be notified of reassignment in due course. [8831792] [11-18034, 12-16160, 12-16183, 12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038] (BJB)
- 11/12/2013 [92](#)
1 pg, 85.19 KB Sent Notice requesting electronic excerpts in 14 days. [8859376] [12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038] (SOS)
- 11/15/2013 [93](#)
1 pg, 29.32 KB Filed (ECF) Appellant Edmund F. Bandas in 12-15957 Correspondence: Electronic Filing of Excerpts of Record. Date of service: 11/15/2013 [8863730] [12-15957, 12-15705, 12-15889, 12-15996, 12-16010, 12-16038] (CAB)
- 12/03/2013 [94](#)
9 pg, 466.55 KB Notice of Oral Argument on Thursday, February 13, 2014 - 9:30 AM - Courtroom 3, 3rd Floor - James R. Browning US Courthouse - San Francisco, CA. Please return ACKNOWLEDGMENT OF HEARING NOTICE form to: SAN FRANCISCO Office. Please open attached documents to view details about your case. [8887067] [12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038] (RB)
- 12/04/2013 [95](#)
1 pg, 74.42 KB Filed (ECF) Acknowledgment of hearing notice. Location: San Francisco. Filed by Attorney Joshua Reuben Furman for Appellant Jon M. Zimmerman in 12-15889. [8887662] [12-15889, 12-15705, 12-15957, 12-15996, 12-16010, 12-16038] (JRF)
- 12/04/2013 [96](#)
1 pg, 528.47 KB Filed (ECF) Acknowledgment of hearing notice. Location: San Francisco. Filed by Attorney Mr. Gary W. Sibley for Appellant Tracey Klinge Cox in 12-16038. [8887773] [12-16038, 12-15705, 12-15889, 12-15957, 12-15996, 12-16010] (GWS)
- 12/06/2013 [97](#)
1 pg, 837.34 KB Filed (ECF) Acknowledgment of hearing notice. Location: San Francisco. Filed by Attorney Mr. Joseph Darrell Palmer for Appellant Maria Cope in 12-15996. [8893148] [12-15996, 12-15705, 12-15889, 12-15957, 12-16010, 12-16038] (JDP)
- 12/11/2013 [98](#)
2 pg, 104.09 KB Filed (ECF) Acknowledgment of hearing notice. Location: San Francisco. Filed by Lawrence C. DiNardo, Esquire for Appellees Wal-Mart Stores, Inc. and Walmart.com USA LLC and Ms. Paula W. Render for Appellees Wal-Mart Stores, Inc. and Walmart.com USA LLC in 12-15705. [8896988] [12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038] (PWR)
- 12/19/2013 [99](#)
1 pg, 287.93 KB Filed (ECF) Acknowledgment of hearing notice. Location: San Francisco. Filed by Party Theodore H. Frank. [8908991]--[COURT UPDATE: Spread docket text to 12-15957, 12-15996, 12-16010 and 12-16038. Resent NDA. 12/19/2013 by RY] (THF)
- 12/19/2013 [100](#)
1 pg, 573.47 KB Filed (ECF) Acknowledgment of hearing notice. Location: San Francisco. Filed by Attorney Todd A. Seaver for Appellees Andrea Resnick, Bryan Eastman, Amy Latham, Melanie Miscioscia, Stan Magee, Michael Orozco, Lisa Sivek and Michael Wiener. [8909663] (TAS)
- 12/24/2013 101 Terminated Matthew W. Ruan for Michael Wiener, Lisa Sivek, Andrea Resnick, Michael Orozco, Melanie Miscioscia, Stan Magee, Amy Latham and Bryan Eastman in 12-15705, Michael Wiener, Lisa Sivek, Andrea Resnick, Michael Orozco, Melanie Miscioscia, Stan Magee, Amy Latham and Bryan Eastman in 12-15889, Michael Wiener, Lisa Sivek, Andrea Resnick, Michael Orozco, Melanie Miscioscia, Stan Magee, Amy Latham and Bryan Eastman in 12-15957, Michael Wiener, Lisa Sivek, Andrea Resnick, Michael Orozco, Melanie Miscioscia, Stan Magee, Amy Latham and Bryan Eastman in 12-15996, Michael Wiener, Lisa Sivek, Andrea Resnick, Michael Orozco, Melanie Miscioscia, Stan Magee, Amy Latham and Bryan Eastman in 12-16010 and Michael Wiener, Lisa Sivek, Andrea Resnick, Michael Orozco, Melanie Miscioscia, Stan Magee, Amy Latham and Bryan Eastman in 12-16038 (no longer with firm) [8915654] [12-15705, 12-15889, 12-15957, 12-15996, 12-16010, 12-16038] (RY)

02/10/2014	<input type="checkbox"/> 102 3 pg, 168.45 KB	Filed (ECF) Appellant Theodore H. Frank citation of supplemental authorities. Date of service: 02/10/2014. [8971824]--[COURT UPDATE: Spread docket text to 12-15889, 12-15957, 12-15996, 12-16010, 12-16038. Resent NDA. 02/10/2014 by RY] (THF)
02/11/2014	<input type="checkbox"/> 103 3 pg, 519.31 KB	Filed (ECF) Appellees Bryan Eastman, Amy Latham, Stan Magee, Melanie Miscioscia, Michael Orozco, Andrea Resnick, Lisa Sivek and Michael Wiener citation of supplemental authorities. Date of service: 02/11/2014. [8975085]--[COURT UPDATE: Spread docket text to 12-15957, 12-16038, 12-15889, 12-15996, 12-16010. Resent NDA. 02/11/2014 by RY] (TAS)
02/12/2014	<input type="checkbox"/> 104 1 pg, 22.57 KB	Filed (ECF) Appellant Edmund F. Bandas in 12-15957 Correspondence: Waiving Oral Argument on 2/13/2014. Date of service: 02/12/2014 [8976424] [12-15957, 12-15705, 12-15889, 12-15996, 12-16010, 12-16038] (CAB)

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