

**General Docket
Eighth Circuit Court of Appeals**

Court of Appeals Docket #: 11-1390
 United States v. Steven Vandebrake
Appeal From: U.S. District Court for the Northern District of Iowa - Sioux City
Fee Status: paid

Docketed: 02/18/2011
Termed: 04/27/2012

Case Type Information:

- 1) Criminal
- 2) conviction & sentence
- 3) null

Originating Court Information:

District: 0862-5 : [5:10-cr-04025-MWB-1](#)
Court Reporter: Shelly Semmler, Court Reporter
Trial Judge: Mark W. Bennett, U.S. District Judge
Date Filed: 04/26/2010
Date Order/Judgment: 02/10/2011

Date NOA Filed:
02/17/2011

Date Rec'd COA:
02/18/2011

Prior Cases:

None

Current Cases:

None

United States of America
 Plaintiff - Appellee

Timothy T. Duax, Assistant U.S. Attorney
 Direct: 712-255-3720
 [COR NTC US Attorney]
 U.S. ATTORNEY'S OFFICE
 Northern District of Iowa
 Firm: 712-255-6011
 Suite 670
 600 Fourth Street
 Sioux City, IA 51101

Andre M. Geverola, Trial Attorney
 Direct: 312-353-6242
 [COR NTC Government]
 U.S. DEPARTMENT OF JUSTICE
 Antitrust Division
 Suite 600
 209 S. LaSalle
 Chicago, IL 60604

Robert Michael Jacobs, Trial Attorney
 Direct: 312-353-8304
 [COR NTC Government]
 U.S. DEPARTMENT OF JUSTICE
 Antitrust Division
 Ste. 600
 Suite 600
 209 S. LaSalle
 Chicago, IL 60604

Laura Heidi Manschreck
 Direct: 312-353-6893
 [COR NTC Government]
 U.S. DEPARTMENT OF JUSTICE
 Antitrust Division
 Suite 600
 209 S. LaSalle
 Chicago, IL 60604

Robert Nicholson
Direct: 202-514-2489
[NTC Government]
U.S. DEPARTMENT OF JUSTICE
Antitrust Division
3228
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0000

John James Powers, III
Direct: 202-514-2414
[NTC Government]
U.S. DEPARTMENT OF JUSTICE
Antitrust Division - Appellate
Room 3226
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

v.

Steven Keith Vandebroke, also known as Steve Keith Vandebroke
(Federal Prisoner: 04022-019)
Defendant - Appellant

Francis L. Goodwin
Direct: 712-277-1015
[COR NTC Retained]
BARON & SAR
Firm: 712-277-1015
750 Pierce Street
P.O. Box 717
Sioux City, IA 51102-0000

William B. Ortman
Direct: 515-244-3100
[NTC Retained]
WEINHARDT & LOGAN
Firm: 515-244-3100
Suite 210
2600 Grand Avenue
Des Moines, IA 50312

Mark E. Weinhardt
Direct: 515-564-5270
[NTC Retained]
WEINHARDT & LOGAN
Firm: 515-244-3100
Suite 210
2600 Grand Avenue
Des Moines, IA 50312





















United States of America











Plaintiff - Appellee

v.


Steven Keith Vandebroke, also known as Steve Keith Vandebroke



Defendant - Appellant



02/18/2011		CRIMINAL case docketed. [3757413] [11-1390] (LLB)
	4 pg, 22.39 KB	
02/18/2011		Originating court document filed consisting of notice of appeal, docket entries, judgment 2/10/11 from district court. [3757421] [11-1390] (LLB)
	128 pg, 777.36 KB	
02/18/2011		CRIMINAL BRIEFING SCHEDULE SET AS FOLLOWS: Transcript due on 03/29/2011. Clerk's record due 03/29/2011. PSI due 03/29/2011. Brief of appellant due on 04/12/2011. Appellee(s) brief due 21 days from the date the court issues the Notice of Docket Activity filing the appellant(s) brief. Reply brief due 7 days from the date the court issues the Notice of Docket Activity filing the appellee brief. [3757422] [11-1390] (LLB)
	2 pg, 16.91 KB	
02/28/2011		APPEARANCE filed by Francis L. Goodwin for Appellant Mr. Steven Keith Vandebroke w/service 02/28/2011 [3760337] [11-1390] (FLG)
	1 pg, 21.42 KB	
02/28/2011		LETTER from Appellant Mr. Steven Keith Vandebroke regarding Advising the Court of Steven Vandebroke's current address.. w/service 02/28/2011 [3760378] [11-1390] (FLG)
	1 pg, 18.78 KB	
02/28/2011		APPEARANCE filed by John P. Fonte for Appellee United States of America w/service 02/28/2011 [3760555] [11-1390] (JF)
	1 pg, 25.37 KB	
02/28/2011		APPEARANCE filed by John J. Powers, III for Appellee United States of America w/service 02/28/2011 [3760608] [11-1390] (JJP)
	1 pg, 25.38 KB	
03/14/2011		APPEARANCE filed by Mark E. Weinhardt for Appellant Mr. Steven Keith Vandebroke w/service 03/14/2011 [3766575] [11-1390] (MEW)
	2 pg, 76.35 KB	
03/14/2011		APPEARANCE filed by William B. Ortman for Appellant Mr. Steven Keith Vandebroke w/service 03/14/2011 [3766576] [11-1390] (MEW)
	2 pg, 76.35 KB	
03/14/2011		MOTION for extension of time to file brief until 05/12/2011, filed by Attorney Mr. Mark E. Weinhardt for Appellant Mr. Steven Keith Vandebroke. w/service 03/14/2011. [3766602] [11-1390] (MEW)
	4 pg, 137.64 KB	
03/15/2011		CLERK ORDER:Granting [3766602-2] motion for extension of time to file brief filed by Mr. Mark E. Weinhardt. Brief of Steven Keith Vandebroke due 05/12/2011 [3766902] [11-1390] (ABC)
	1 pg, 12.65 KB	
03/17/2011		RECORD FILED - Record Part: CLERK'S RECORD, No. of Volumes: 1, Volumes Location: STL, Comments: 3 copies, Source Location: USDC / NI [3768034] [11-1390] (STL)
03/17/2011		RECORD FILED - Record Part: SEALED PSI REPORT, No. of Volumes: 1, Volumes Location: STL, Comments: 3 copies, Source Location: USDC / NI [3768036] [11-1390] (STL)
03/17/2011		RECORD FILED - Record Part: HEARING TRANSCRIPT, No. of Volumes: 1, Volumes Location: STL, Comments: Status Conference [Copy do not return to the District Court at end of case], Source Location: USDC / NI, Dt. of Proceeding/Hearing: 05/26/2010, No. of Pgs.: 46, Court Reporter: Semmler, Shelly [3768039] [11-1390] (STL)
03/17/2011		RECORD FILED - Record Part: PLEA TRANSCRIPT, No. of Volumes: 1, Volumes Location: STL, Comments: Copy do not return to the District Court at end of case, Source Location: USDC / NI, Dt. of Proceeding/Hearing: 05/04/2010, No. of Pgs.: 31, Court Reporter: Semmler, Shelly [3768044] [11-1390] (STL)
03/17/2011		RECORD FILED - Record Part: SENTENCING TRANS, No. of Volumes: 3, Volumes Location: STL, Comments: Copy do not return to the District Court at end of case, Source Location: USDC / NI, Dt. of Proceeding/Hearing: 12/07/2010, 12/8/2010 and 12/15/2010 Court Reporter: Semmler, Shelly [3768047] [11-1390] (STL)
03/17/2011		RECORD FILED - Record Part: SENTENCING TRANS, No. of Volumes: 1, Volumes Location: STL, Comments: Copy do not return to the District Court at end of case, Source Location: USDC / NI, Dt. of Proceeding/Hearing: 02/08/2011, Court Reporter: Semmler, Shelly [3768056] [11-1390] (STL)
05/12/2011		MOTION to take judicial notice., filed by Appellant Mr. Steven Keith Vandebroke. w/service 05/12/2011. [3787033] [11-1390] (MEW)
	59 pg, 660.28 KB	
05/12/2011		APPELLANT brief of Mr. Steven Keith Vandebroke submitted for review. The time for filing the subsequent brief does not begin to run until the brief has been approved and filed. [11-1390] (MEW)
	0 pg, 0 KB	
05/12/2011		Addendum of APPELLANT submitted for review by Mr. Steven Keith Vandebroke [3787035] [11-1390] (MEW)
	0 pg, 0 KB	



- 05/13/2011  Addendum deficiency notice sent to counsel, Attorney Mr. Mark E. Weinhardt for Appellant Mr. Steven Keith Vandebroke. New electronic copy of addendum due on 05/18/2011 [11-1390] (ABC)
- 05/13/2011   **BRIEF FILED** - APPELLANT BRIEF filed by Mr. Steven Keith Vandebroke , w/service 05/12/2011 74 PDF pages, w/Addendum. Words/lines/pages13,766 words. Paper briefs from Steven Keith Vandebroke due 05/18/2011.. Appellee brief due on 06/03/2011. [3787369] [11-1390] (ABC)
74 pg, 236.74 KB
- 05/13/2011   ADDENDUM of APPELLANT filed by Appellant Mr. Steven Keith Vandebroke. w/service 05/12/2011 [3787375] [11-1390] (ABC)
165 pg, 8.18 MB
- 05/17/2011  Paper copies Appellant/Petitioner Brief, [3787369-2] filed by Mr. Steven Keith Vandebroke 10 paper copies received. [3788489] [11-1390] (ABC)
- 05/18/2011   MOTION for extension of time to file brief until 07/05/2011, filed by Attorney Mr. John Fonte for Appellee United States of America. w/service 05/18/2011. [3788908] [11-1390] (JF)
4 pg, 27.66 KB
- 05/18/2011   CLERK ORDER:Granting [3788908-2] motion for extension of time to file brief filed by Mr. John Fonte. Brief of United States of America due 07/05/2011. [3789029] [11-1390] (ABC)
1 pg, 12.62 KB
- 05/25/2011   CLERK ORDER:motion take judicial notice filed by Mr. Mark E. Weinhardt and Appellant Mr. Steven Keith Vandebroke in 11-1390 , [3787033-3] is hereby ordered taken with the case for consideration by the panel to which this case is submitted for disposition on the merits. - FOR CAL. [3791349] [11-1390] (ABC)
1 pg, 12.69 KB
- 06/01/2011  Please note that this case has been screened for oral argument. The exact date of your oral argument has not been determined at this time. You will be receiving a calendar approximately 4 weeks before the scheduled argument date. The following is a link to the upcoming court sessions <http://www.ca8.uscourts.gov/files/oadates.pdf> Please review these dates immediately to determine if you have any conflicts. If you do have conflicts with any of the argument dates, please inform this court by sending a letter using the ECF docketing event 'Correspondence to Court', 'Letter filed' 'regarding availability for oral argument'. Your compliance with this policy will minimize the need for motions to continue or reschedule oral argument. The court also encourages you to notify the clerk if conflicts with these dates develop in the future. [3792900] [11-1390] (BWB)
- 06/02/2011   LETTER from Appellant Mr. Steven Keith Vandebroke regarding availability for oral argument. w/service 06/02/2011 [3793575] [11-1390] (MEW)
1 pg, 51.35 KB
- 07/05/2011   APPELLEE brief of United States of America submitted for review. The time for filing the subsequent brief does not begin to run until the brief has been approved and filed. [11-1390] (JF)
0 pg, 0 KB
- 07/06/2011  RECORD FILED - Record Part: APLEE/RES APPENDIX, No. of Volumes: 1, Volumes Location: stl [3805265] [11-1390] (ABC)
- 07/07/2011   **BRIEF FILED** - APPELLEE BRIEF filed by United States of America. [THIS BRIEF REPLACED BY BRIEF FILED ON 7/8/2011] [3804952] [11-1390] (ABC)
0 pg, 0 KB
- 07/08/2011   APPELLEE brief of United States of America submitted for review. The time for filing the subsequent brief does not begin to run until the brief has been approved and filed. [11-1390] (JF)
0 pg, 0 KB
- 07/08/2011   LETTER from Appellee United States of America regarding corrected appellee's brief. w/service 07/08/2011 [3805639] [11-1390] (JF)
1 pg, 22.35 KB
- 07/08/2011   **BRIEF FILED** - CORRECTED Appellee/Respondent Brief - correcting doc # [3804952-2]. w/service 07/08/2011 63 PDF pages, No Addendum. Words/lines/pages11,237 words. Paper briefs from United States of America due 07/13/2011. [3805843] [11-1390] (ABC)
63 pg, 242.39 KB
- 07/12/2011   MOTION for extension of time to file brief until 07/22/2011, filed by Attorney Mr. William B. Ortman for Appellant Mr. Steven Keith Vandebroke w/service 07/12/2011. [3806977] [11-1390] (WBO)
3 pg, 58.91 KB
- 07/12/2011   CLERK ORDER:Granting [3806977-2] motion for extension of time to file brief filed by Mr. William B. Ortman. Reply brief of Steven Keith Vandebroke due 07/22/2011 [3807006] [11-1390] (ABC)
1 pg, 12.63 KB
- 07/13/2011  Paper copies Corrected brief, [3805843-2] filed by United States of America 10 paper copies received. [3807220] [11-1390] (ABC)
- 07/22/2011   REPLY brief of Mr. Steven Keith Vandebroke submitted for review. The time for filing the subsequent brief does not begin to run until the brief has been approved and filed. [11-1390] (MEW)
0 pg, 0 KB
- 07/22/2011   MOTION Enforcement of plea agreement, filed by Attorney Mr. Mark E. Weinhardt for Appellant Mr. Steven Keith Vandebroke w/service 07/22/2011. [3810663] [11-1390] (MEW)
12 pg, 505.13 KB
- 07/25/2011   **BRIEF FILED** - APPELLANT REPLY BRIEF filed by Mr. Steven Keith Vandebroke ,. w/service 07/22/2011 38 PDF pages, No Addendum. Words/lines/pages6,982 words. Paper briefs from Steven Keith Vandebroke
38 pg, 1.69 MB



due 08/01/2011. [3810690] [11-1390] (ABC)


07/26/2011  Paper copies Reply brief, [3810690-2] filed by Mr. Steven Keith Vandebrake 10 paper copies received. [3811816] [11-1390] (LMT)



08/01/2011   APPEARANCE filed by Robert B. Nicholson for Appellee United States of America w/service 08/01/2011 [3813451] [11-1390] (RN)
1 pg, 25.55 KB



08/01/2011   RESPONSE in opposition to motion to enforce the plea agreement, [3810663-2] filed by Attorney Mr. John Fonte for Appellee United States of America, w/service 08/01/2011. MODIFIED BY LAB. [3813575] [11-1390] (JF)
8 pg, 39.26 KB



08/02/2011   CLERK ORDER: motion to enforce the plea agreement filed by Mr. Mark E. Weinhardt in 11-1390, [3810663-2] is hereby ordered taken with the case for consideration by the panel to which this case is submitted for disposition on the merits. - FOR CAL. [3813826] [11-1390] (LAB)
1 pg, 5.37 KB



08/09/2011   REPLY to motion for miscellaneous relief, [3810663-2], response , [3813575-2], filed by Appellant Mr. Steven Keith Vandebrake. w/service 08/09/2011. [3816186] [11-1390] (MEW)
8 pg, 323.6 KB



10/14/2011  **SET FOR ARGUMENT - CASE PLACED ON CALENDAR - for Argument in Omaha on Thursday, 11/17/2011** To be heard before **Judges William Jay Riley, C. Arlen Beam, Kermit E. Bye in Division I** . The courtroom deputy will be Melissa E. Rudolph. All attorneys presenting oral argument must complete a Response Form. The Response Form may be found at <http://www.ca8.uscourts.gov/newcoa/forms/OralArgumentResponseForm.pdf>. For the complete calendar go to <http://www.ca8.uscourts.gov/webcal/nov11omh.pdf>
PLEASE REVIEW THE ENTIRE CALENDAR CAREFULLY, PARTICULARLY THE COUNSEL NOTICE PAGE. *If you are appointed counsel under the Criminal Justice Act and require airline transportation to oral argument, the court will issue a travel authorization the next business day.* [11-1390] (TAB)



10/31/2011   ARGUMENT RESPONSE/APPEARANCE FORM filed by Mr. Mark E. Weinhardt for Mr. Steven Keith Vandebrake for argument in November, at the U.S. Courthouse in Omaha, Nebraska. [3844639] [11-1390] (MEW)
1 pg, 31.93 KB



10/31/2011   ARGUMENT RESPONSE/APPEARANCE FORM filed by Mr. John Fonte for United States of America for argument in November, at the U.S. Courthouse in Omaha, Nebraska. [3844764] [11-1390] (JF)
1 pg, 39.25 KB



10/31/2011   28(j) citation filed by Appellee United States of America w/service 10/31/2011 - FOR CAL. [3845054] [11-1390] (JF)
2 pg, 15.67 KB



11/17/2011   ARGUED & SUBMITTED in Omaha to Judges William Jay Riley, C. Arlen Beam, Kermit E. Bye on 11/17/2011. Mr. Mark E. Weinhardt for Appellant Mr. Steven Keith Vandebrake. Mr. John Fonte for Appellee United States of America. Rebuttal by Mr. Mark E. Weinhardt for Mr. Steven Keith Vandebrake. RECORDED [3850733] [11-1390] (TAB)
1 pg, 12.31 KB



01/23/2012   28(j) citation filed by Appellant Mr. Steven Keith Vandebrake w/service 01/23/2012 - FOR CAL. [3871974] [11-1390] (MEW)
1 pg, 31.75 KB



04/27/2012   OPINION FILED - THE COURT: WILLIAM JAY RILEY, C. ARLEN BEAM and KERMIT E. BYE. Kermit E. Bye, Authoring Judge (PUBLISHED), CONCUR BY: WILLIAM JAY RILEY, DISSENT BY: C. ARLEN BEAM [3905541] [11-1390] (LAB)
38 pg, 237.09 KB



04/27/2012   **JUDGMENT FILED** - The judgment of the Originating Court is AFFIRMED in accordance with the opinion. WILLIAM JAY RILEY, C. ARLEN BEAM and KERMIT E. BYE Hrg Nov 2012 [3905546] [11-1390] (LAB)
1 pg, 5.4 KB



05/01/2012   CLERK LETTER sent to West Publishing. [3906723] [11-1390] (LAB)
2 pg, 21.73 KB















05/07/2012   MOTION for extension of time to file petition for rehearing until 05/25/2012, filed by Attorney Mr. Mark E. Weinhardt for Appellant Mr. Steven Keith Vandebrake w/service 05/07/2012. [3908993] [11-1390] (MEW)
3 pg, 67.79 KB

05/08/2012   CLERK ORDER:Granting [3908993-2] motion for extension of time to file rehearing filed by Mr. Mark E. Weinhardt. Petition for Rehearing due on 05/25/2012 [3909019] [11-1390] (LAB)
1 pg, 5.34 KB

05/25/2012   PETITION for en banc rehearing and also for rehearing by panel filed by Appellant Mr. Steven Keith Vandebrake w/service 05/25/2012 [3915696] [11-1390] (MEW)
21 pg, 1.36 MB

05/30/2012   CLERK LETTER sent notifying that party has an opportunity to respond to [3915696-2]: petition for en banc rehearing. [3916522] [11-1390] (LAB)
1 pg, 8.26 KB

06/05/2012   MOTION for extension of time to file response to petition for en banc rehearing, [3915696-2], , petition for rehearing by panel, [3915696-3], until 06/25/2012 at 11:59 pm, filed by Attorney Mr. John Fonte for Appellee United States of America w/service 06/05/2012. [3918800] [11-1390] (JF)
3 pg, 24.89 KB

06/06/2012	 	CLERK ORDER: Granting [3918800-2] motion for extension of time to file a response filed by Mr. John Fonte for Appellee United States of America. Response due on 06/25/2012. [3919246] [11-1390] (DMW)
	1 pg, 72.09 KB	
06/22/2012	 	RESPONSE petition for enbanc rehearing, [3915696-2] , petition for rehearing by panel, [3915696-3] filed by Attorney Mr. John Fonte for Appellee United States of America , w/service 06/22/2012. [3925004] [11-1390] (JF)
	15 pg, 52.44 KB	
07/20/2012	 	JUDGE ORDER: The petition for rehearing en banc is denied. The petition for panel rehearing is also denied. Judges Loken, Murphy and Melloy would grant the petition for rehearing en banc. Judge Beam would grant panel rehearing. Judge Colloton did not participate in the consideration or decision of this matter. [3915696-2] [3915696-3] PUBLISHED ORDER. Hrg Nov 2011 [3934103] [11-1390] (LAB)
	1 pg, 6.12 KB	
07/31/2012	 	MANDATE ISSUED. [3937426] [11-1390] (LAB)
	1 pg, 5.06 KB	
08/31/2012	 	MOTION to withdraw as retained counsel, filed by Attorney Mr. John Fonte for Appellee United States of America w/service 08/31/2012. [3948778] [11-1390] (JF)
	2 pg, 22.27 KB	
09/04/2012	 	CLERK ORDER:Granting [3948778-2] motion to withdraw as counsel filed by Mr. John Fonte. Mr. John Fonte for United States of America has been granted leave to withdraw from this case. [3948961] [11-1390] (LAB)
	1 pg, 71.15 KB	
10/22/2012	 	U.S. Supreme Court Notice of cert filed in the Supreme Court on 10/18/2012, case No. 12-488 [3968142] [11-1390] (LAB)
	2 pg, 61.12 KB	

Clear All

- Documents and Docket Summary
- Documents Only

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Totals reflect accessible documents only and do not include unauthorized restricted documents.

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