

General Docket
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 12-56674		Docketed: 09/12/2012	
Nature of Suit: 3410 Antitrust		Termed: 08/25/2015	
In re: Joshua Ramsey, et al v. NAMM, et al			
Appeal From: U.S. District Court for Southern California, San Diego			
Fee Status: Paid			
Case Type Information:			
1) civil			
2) private			
3) null			
Originating Court Information:			
District: 0974-3 : 3:09-md-02121-LAB-DHB			
Court Reporter: Eva Maria Oemick, Court Reporter			
Trial Judge: Larry A. Burns, District Judge			
Date Filed: 12/09/2009			
Date Order/Judgment:	Date Order/Judgment EOD:	Date NOA Filed:	Date Rec'd COA:
08/21/2012	08/21/2012	09/10/2012	09/10/2012
Prior Cases:			
None			
Current Cases:			
None			

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v.

NATIONAL ASSOCIATION OF MUSIC MERCHANTS, INC.
Defendant - Appellee,

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Defendant - Appellee,

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Defendant - Appellee,

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Defendant - Appellee,

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DEBRA LYN BASSETT, Professor
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(see above)

In re: MUSICAL INSTRUMENTS AND EQUIPMENT ANTITRUST LITIGATION,

JOSHUA RAMSEY; DAVID GIAMBUSSO; DWAYNE WIGGINS; JASON PARADISE; KATE MACWILLIAMSON; NIRANJAN PARIKH; PAULA JENNINGS; RYAN J. BIGG; MARK O'LEARY; CYNTHIA SEPULVEDA; RUSSELL D. MELTON; JERRY JOST; KEVIN GAGNEPAIN; JOSH PEARSON; JOHN PEARSON; MARY PEARSON; COLBY GILES; DAVID KEEL; WILLIAM S. POFF; ALLEN HALE; DANIEL T. SMITH; GERALD LOGSDON; AUGUSTIN CERVANTES; BENN FELTHEIMER; BRYAN ROACH; BRANDON ARMSTRONG; RICHARD TABAS; ALLEN HALE; KENNETH MANYIN; RUSSELL D. MELTON; JON BANDISH; MARK O'LEARY; ALEX TELLER; SCOTT COOK; JOSHUA SEILER; JOHAN EDWARD RIGOR; WALTER WITHERSPOON; ROBERT LESKO; SUZANNE ONDRE; LISA PRITCHETT,

Plaintiffs - Appellants,

v.

NATIONAL ASSOCIATION OF MUSIC MERCHANTS, INC.; GUITAR CENTER, INC.; GUITAR CENTER STORES, INC.; FENDER MUSICAL INSTRUMENTS CORP.; YAMAHA CORPORATION OF AMERICA; GIBSON GUITAR CORPORATION; HOSHINO, U.S.A., INC.; KAMAN MUSIC CORPORATION,

Defendants - Appellees.

09/12/2012	<input type="checkbox"/> 1 15 pg, 590.76 KB	DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. SEND MQ: Yes. The schedule is set as follows: Mediation Questionnaire due on 09/19/2012. Transcript ordered by 10/10/2012. Transcript due 11/09/2012. Appellants Brandon Armstrong, Jon Bandish, Ryan J. Bigg, Augustin Cervantes, Scott Cook, Benn Feltheimer, Kevin Gagnepain, David Giambusso, Colby Giles, Allen Hale, Paula Jennings, Jerry Jost, David Keel, Robert Lesko, Gerald Logsdon, Kate MacWilliamson, Kenneth Manyin, Russell D. Melton, Mark O'Leary, Suzanne Ondre, Jason Paradise, Niranjn Parikh, John Pearson, Josh Pearson, Mary Pearson, William S. Poff, Lisa Pritchett, Joshua Ramsey, Johan Edward Rigor, Bryan Roach, Joshua Seiler, Cynthia Sepulveda, Daniel T. Smith, Richard Tabas, Alex Teller, Dwayne Wiggins and Walter Witherspoon opening brief due 12/19/2012. Appellees Fender Musical Instruments Corp., Gibson Guitar Corporation, Guitar Center Stores, Inc., Guitar Center, Inc., Hoshino, U.S.A., Inc., Kaman Music Corporation, National Association of Music Merchants, Inc. and Yamaha Corporation of America answering brief due 01/18/2013. Appellant's optional reply brief is due 14 days after service of the answering brief. [8320432] (GR) [Entered: 09/12/2012 11:14 AM]
09/18/2012	<input type="checkbox"/> 2 1 pg, 10.24 KB	Terminated Joseph T. Muzingo for David Giambusso in 12-56674 [8327152] (PH) [Entered: 09/18/2012 09:24 AM]
09/18/2012	<input type="checkbox"/> 3 7 pg, 133.93 KB	Filed (ECF) notice of appearance of J. Scott Ballenger for Appellee Guitar Center, Inc.. Date of service: 09/18/2012. [8328063] (Ballenger, J.) [Entered: 09/18/2012 01:41 PM]
09/18/2012	<input type="checkbox"/> 4	Added attorney James Scott Ballenger for Guitar Center, Inc. [8328075] (RL) [Entered: 09/18/2012 01:45 PM]
09/18/2012	<input type="checkbox"/> 5 7 pg, 53.86 KB	Filed (ECF) Appellee Guitar Center, Inc. Correspondence: Notice of Filing Rule 59(e) Motion in District Court. Date of service: 09/18/2012 [8328220] (Ballenger, J.) [Entered: 09/18/2012 02:21 PM]
09/19/2012	<input type="checkbox"/> 6 13 pg, 80.65 KB	Filed (ECF) Appellants Brandon Armstrong, Jon Bandish, Ryan J. Bigg, Augustin Cervantes, Scott Cook, Benn Feltheimer, Kevin Gagnepain, David Giambusso, Colby Giles, Allen Hale, Allen Hale, Paula Jennings, Jerry Jost, David Keel, Robert Lesko, Gerald Logsdon, Kate MacWilliamson, Kenneth Manyin, Russell D. Melton, Russell D. Melton, Mark O'Leary, Mark O'Leary, Suzanne Ondre, Jason Paradise, Niranjn Parikh, John Pearson, Josh Pearson, Mary Pearson, William S. Poff, Lisa Pritchett, Joshua Ramsey, Johan Edward Rigor, Bryan Roach, Joshua Seiler, Cynthia Sepulveda, Daniel T. Smith, Richard Tabas, Alex Teller, Dwayne Wiggins and Walter Witherspoon Mediation Questionnaire. Date of service: 09/19/2012. [8330273] (Pritzker, Elizabeth) [Entered: 09/19/2012 03:07 PM]
09/20/2012	<input type="checkbox"/> 7	Mail returned on 09/20/2012 addressed to Donald Chidi Amamgbo, Esquire for Dwayne Wiggins, re: 09/12/12 Time Schedule Order. Resending to: CASEFILES. No forwarding address. [8331210] (RL) [Entered: 09/20/2012 11:00 AM]
09/21/2012	<input type="checkbox"/> 8	Mail returned on 09/21/2012 addressed to Kathleen C. Chavez, Esquire for Josh Pearson, John Pearson and Mary Pearson, re: 09/12/12 Time Schedule Order. Resending to: CASEFILES. No forwarding address. [8332870] (RL) [Entered: 09/21/2012 11:22 AM]
09/24/2012	<input type="checkbox"/> 9	Mail returned on 09/24/2012 addressed to Mr. Eric David Freed for Benn Feltheimer, re: 09/12/12 Time Schedule Order. Resending to: CASEFILES. No forwarding address. [8334969] (RL) [Entered: 09/24/2012 02:36 PM]
09/25/2012	<input type="checkbox"/> 10	Mail returned on 09/25/2012 addressed to Jeffrey S. Goldenberg, Esquire for Richard Tabas, re: 09/12/12 Time Schedule Order. Resending to: Goldberg Schneider, L.P.A., 1 West 4th Street, 18th Floor, Cincinnati, OH 45202. [8336815] (RL) [Entered: 09/25/2012 01:32 PM]
09/25/2012	<input type="checkbox"/> 11 7 pg, 225.37 KB	Filed (ECF) notice of appearance of Chahira Solh for Appellee Yamaha Corporation of America. Date of service: 09/25/2012. [8337504] (Solh, Chahira) [Entered: 09/25/2012 04:47 PM]
09/25/2012	<input type="checkbox"/> 12	Added attorney Chahira Solh for Yamaha Corporation of America. [8337513] (RL) [Entered: 09/25/2012 04:52 PM]
09/27/2012	<input type="checkbox"/> 13	Mail returned on 09/12/2012 addressed to Robert J. Gralweski, Jr. for Augustin Cervantes, re: 09/12/12 Time Schedule Order. Resending to: CASEFILES. No forwarding address. [8339511] (RL) [Entered: 09/27/2012 11:46 AM]
10/02/2012	<input type="checkbox"/> 14 5 pg, 31.07 KB	Filed (ECF) notice of appearance of Timothy Gage Harvey for Appellee Gibson Guitar Corporation. Date of service: 10/02/2012. [8344882] (Harvey, Timothy) [Entered: 10/02/2012 12:15 PM]
10/02/2012	<input type="checkbox"/> 15	Added attorney Timothy Harvey for Gibson Guitar Corporation. [8345013] (RL) [Entered: 10/02/2012 01:23 PM]
10/24/2012	<input type="checkbox"/> 16 1 pg, 24.29 KB	Filed order MEDIATION (MAC): 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 Margaret A. Corrigan, Circuit Mediator, by email at Margaret_Corrigan@ca9.uscourts.gov. The communication will be kept confidential, if requested, from the other parties in the case. [8374943] (SM) [Entered: 10/24/2012 01:13 PM]
10/30/2012	<input type="checkbox"/> 17	Mail returned on 10/30/2012 addressed to Mark K. Gray, Esquire for Jason Paradise, re: 10/24/12 Order. Resending to: MARK K. GRAY PSC, 713 E Market St. #200, Louisville, KY 40202-1007. [8381598] (RL) [Entered: 10/30/2012 02:06 PM]

- 10/30/2012 18 Mail returned on 10/30/2012 addressed to Peter L. Currie, Esquire for Josh Pearson, John Pearson and Mary Pearson, re: 10/24/12 Order. Resending to: THE LAW FIRM OF PETER L. CURRIE, P.C., 22 W Washington Street, Suite 1500, Chicago, IL 60602-1607. [8381636] (RL) [Entered: 10/30/2012 02:13 PM]
- 10/30/2012 19 Mail returned on 10/30/2012 addressed to Eric H. Gibbs for Brandon Armstrong, Joshua Ramsey, David Giambusso, Dwayne Wiggins, Jason Paradise, Kate MacWilliamson, Niranjn Parikh, Paula Jennings, Ryan J. Bigg, Mark O'Leary, Cynthia Sepulveda, Russell D. Melton, Jerry Jost, Kevin Gagnepain, Josh Pearson, John Pearson, Mary Pearson, Colby Giles, David Keel, William S. Poff, Allen Hale, Daniel T. Smith, Gerald Logsdon, Augustin Cervantes, Benn Feltheimer, Bryan Roach, Richard Tabas, Kenneth Manyin, Jon Bandish, Alex Teller, Scott Cook, Joshua Seiler, Johan Edward Rigor, Walter Witherspoon, Robert Lesko, Suzanne Ondre and Lisa Pritchett, re: 10/24/12 Order. Resending to: Girard Gibbs LLP, 601 California Street, 14th Floor, San Francisco, CA 94108-2819. [8381685] (RL) [Entered: 10/30/2012 02:24 PM]
- 11/05/2012 20 Mail returned on 11/05/2012 addressed to Donald Chidi Amamgbo, Esquire for Dwayne Wiggins, re: 10/24/12 Order. Resending to: CASEFILES. No forwarding address. [8388240] (RL) [Entered: 11/05/2012 01:38 PM]
- 11/20/2012 21 Mail returned on 11/20/2012 addressed to Kathleen C. Chavez, Esquire for Josh Pearson, John Pearson and Mary Pearson, re: 10/24/12 Order. Resending to: 3 North Second Street, Suite 300, St. Charles, IL 60174. [8409769] (RL) [Entered: 11/20/2012 02:00 PM]
- 11/21/2012 [22](#) Filed (ECF) Appellant Joshua Ramsey Unopposed Motion to extend time to file Opening brief until 10/09/2013. Date of service: 11/21/2012. [8411279] (Grzenczyk, Scott) [Entered: 11/21/2012 11:23 AM]
10 pg, 30.77 KB
- 11/30/2012 [23](#) Filed (ECF) Appellant Joshua Ramsey Notice of Reporter Default per 9th Circuit Rule 11-1.2. Date of service: 11/30/2012 [8422126] (Grzenczyk, Scott) [Entered: 11/30/2012 05:26 PM]
10 pg, 39.59 KB
- 12/04/2012 [24](#) Filed clerk order (Deputy Clerk: AMT): The September 12, 2012 order indicates the transcripts were to be ordered by October 10, 2012 and the transcripts were due by November 9, 2012. In their Notice of Continued Court Reporter Default, Appellants state the transcripts were designated and ordered on November 9, 2012. The district court docket confirms appellants' representation that Court Reporter Eva Oemick reported proceedings occurring on November 1, 2010 and February 6, 2012. Within 21 days after the date of this order, Court Reporter Oemick shall file the transcripts for the November 1, 2010 and February 6, 2012 hearings, file a motion for an extension of time to do so, or inform the court in writing of any barriers to transcript production. In the absence of further information regarding an incomplete record, the following briefing schedule shall govern: the opening brief is due February 5, 2013; the answering brief is due March 7, 2013; and the optional reply brief is due within 14 days after service of the answering brief. Appellants shall provide a copy of this order to Court Reporter Oemick. Appellants' unopposed motion for an extension of time to file the opening brief is denied as moot. [8425243] (SM) [Entered: 12/04/2012 03:46 PM]
2 pg, 25.88 KB
- 12/24/2012 25 Mail returned on 12/24/2012 addressed to Kenneth G. Gilman, Esquire for Joshua Ramsey, re: 12/04/12 Order. Resending to: CASEFILES. No forwarding address. [8451389] (RL) [Entered: 12/24/2012 09:35 AM]
- 12/31/2012 26 Mail returned on 12/28/2012 addressed to Donald Chidi Amamgbo, Esquire for Dwayne Wiggins, re: 12/04/12 Order. Resending to: CASEFILES. No forwarding address. [8456276] (RL) [Entered: 12/31/2012 10:10 AM]
- 01/03/2013 27 Mail returned on 01/03/2013 addressed to Peter L. Currie, Esquire for Josh Pearson, John Pearson and Mary Pearson, re: 12/04/12 Order. Resending to: CASEFILES. No forwarding address. [8460325] (RL) [Entered: 01/03/2013 02:38 PM]
- 02/05/2013 [28](#) Submitted (ECF) Opening Brief for review. Submitted by Appellants Brandon Armstrong, Jon Bandish, Ryan J. Bigg, Augustin Cervantes, Scott Cook, Benn Feltheimer, Kevin Gagnepain, David Giambusso, Colby Giles, Allen Hale, Allen Hale, Paula Jennings, Jerry Jost, David Keel, Robert Lesko, Gerald Logsdon, Kate MacWilliamson, Kenneth Manyin, Russell D. Melton, Russell D. Melton, Mark O'Leary, Mark O'Leary, Suzanne Ondre, Jason Paradise, Niranjn Parikh, John Pearson, Josh Pearson, Mary Pearson, William S. Poff, Lisa Pritchett, Joshua Ramsey, Johan Edward Rigor, Bryan Roach, Joshua Seiler, Cynthia Sepulveda, Daniel T. Smith, Richard Tabas, Alex Teller, Dwayne Wiggins and Walter Witherspoon. Date of service: 02/05/2013. [8501646] (Pritzker, Elizabeth) [Entered: 02/05/2013 09:44 PM]
64 pg, 178.79 KB
- 02/05/2013 [29](#) Filed (ECF) Appellants Brandon Armstrong, Jon Bandish, Ryan J. Bigg, Augustin Cervantes, Scott Cook, Benn Feltheimer, Kevin Gagnepain, David Giambusso, Colby Giles, Allen Hale, Allen Hale, Paula Jennings, Jerry Jost, David Keel, Robert Lesko, Gerald Logsdon, Kate MacWilliamson, Kenneth Manyin, Russell D. Melton, Russell D. Melton, Mark O'Leary, Mark O'Leary, Suzanne Ondre, Jason Paradise, Niranjn Parikh, John Pearson, Josh Pearson, Mary Pearson, William S. Poff, Lisa Pritchett, Joshua Ramsey, Johan Edward Rigor, Bryan Roach, Joshua Seiler, Cynthia Sepulveda, Daniel T. Smith, Richard Tabas, Alex Teller, Dwayne Wiggins and Walter Witherspoon Motion to supplement record on appeal. Date of service: 02/05/2013. [8501647] (Pritzker, Elizabeth) [Entered: 02/05/2013 10:27 PM]
29 pg, 97.85 KB
- 02/05/2013 [31](#) Received Appellants notice regarding the filing of sealed documents in their Excerpt of Record Vol. II w/dc order attached; served on 2/5/13. [8503057] (GV) [Entered: 02/06/2013 03:01 PM]
7 pg, 224.52 KB
- 02/05/2013 [32](#) Filed Appellants' paper copies of excerpts of record in 4 volume(s). Vol. II UNDER SEAL. [8503078] (GV) [Entered: 02/06/2013 03:06 PM]
367 pg, 3.29 MB

- 02/06/2013 [30](#) Filed clerk order: The opening brief [\[28\]](#) submitted by Appellants is filed. Within 7 days of the filing of this order, appellants are 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. [8502599] (GV) [Entered: 02/06/2013 12:38 PM]
2 pg, 84.21 KB
- 02/06/2013 [33](#) Filed (ECF) notice of appearance of Keith E. Smith for Appellee Hoshino, U.S.A., Inc.. Date of service: 02/06/2013. [8503334] (Smith, Keith) [Entered: 02/06/2013 04:16 PM]
1 pg, 340.38 KB
- 02/06/2013 [34](#) Added attorney Keith E. Smith for Hoshino, U.S.A., Inc. [8503344] (RL) [Entered: 02/06/2013 04:18 PM]
- 02/06/2013 [35](#) Received 7 paper copies of Opening brief [\[28\]](#) filed by Appellants. [8504029] (SD) [Entered: 02/07/2013 10:03 AM]
- 02/08/2013 [36](#) Filed clerk order (Deputy Clerk: AMT): Appellant's motion for leave to supplement the record is denied without prejudice to a renewed motion to the district court to correct the record. The answering brief remains due March 7, 2013. [8506562] (SM) [Entered: 02/08/2013 01:14 PM]
1 pg, 33.78 KB
- 02/14/2013 [37](#) Filed (ECF) notice of appearance of J. Scott Ballenger for Appellee Guitar Center Stores, Inc.. Date of service: 02/14/2013. [8513793] (Ballenger, J.) [Entered: 02/14/2013 09:12 AM]
2 pg, 171.58 KB
- 02/14/2013 [38](#) Added attorney James Scott Ballenger for Guitar Center Stores, Inc. Guitar Center, Inc. [8513836] (RL) [Entered: 02/14/2013 09:24 AM]
- 02/15/2013 [39](#) Filed (ECF) notice of appearance of Neil G. Epstein for Appellee Hoshino, U.S.A., Inc.. Date of service: 02/15/2013. [8516044] (Epstein, Neil) [Entered: 02/15/2013 11:51 AM]
1 pg, 333.51 KB
- 02/15/2013 [40](#) Added attorney Neil G. Epstein for Hoshino, U.S.A., Inc. [8516049] (RL) [Entered: 02/15/2013 11:53 AM]
- 02/20/2013 [41](#) Filed (ECF) Appellees Fender Musical Instruments Corp., Gibson Guitar Corporation, Guitar Center Stores, Inc., Guitar Center, Inc., Hoshino, U.S.A., Inc., Kaman Music Corporation, National Association of Music Merchants, Inc. and Yamaha Corporation of America notice of joint brief (Answering). Date of service: 02/20/2013. [8520259] (Ballenger, J.) [Entered: 02/20/2013 01:49 PM]
3 pg, 208.72 KB
- 02/20/2013 [42](#) Filed notice of joint brief by Appellees Fender Musical Instruments Corp., Gibson Guitar Corporation, Guitar Center Stores, Inc., Guitar Center, Inc., Hoshino, U.S.A., Inc., Kaman Music Corporation, National Association of Music Merchants, Inc. and Yamaha Corporation of America. Briefing schedule is now as follows: Joint answering brief for Appellees' due 03/28/2013. Pursuant to Circuit Rule 28-4, the brief's due date will be extended for 21 days and the size enlarged by 5 monotype pages or 1,400 words. The reply brief will be due 14 days from service of the joint answering brief. [8520319] (RL) [Entered: 02/20/2013 02:15 PM]
- 02/22/2013 [43](#) Filed (ECF) notice of appearance of Lawrence G. Scarborough for Appellees Fender Musical Instruments Corp. and Kaman Music Corporation. Date of service: 02/22/2013. [8523165] (Scarborough, Lawrence) [Entered: 02/22/2013 12:13 PM]
1 pg, 30.39 KB
- 02/22/2013 [44](#) Added attorney Lawrence G. Scarborough for Fender Musical Instruments Corp. Kaman Music Corporation. [8523379] (RL) [Entered: 02/22/2013 01:36 PM]
- 02/25/2013 [45](#) Filed (ECF) notice of appearance of James Alexander Grimsley for Appellees Fender Musical Instruments Corp. and Kaman Music Corporation. Date of service: 02/25/2013. [8524874] (Grimsley, James) [Entered: 02/25/2013 12:01 PM]
1 pg, 29.11 KB
- 02/25/2013 [46](#) Added attorney James Alexander Grimsley for Fender Musical Instruments Corp. Kaman Music Corporation. [8525092] (RL) [Entered: 02/25/2013 01:38 PM]
- 02/26/2013 [47](#) Mail returned on 02/26/2013 addressed to Kenneth G. Gilman, Esquire for Joshua Ramsey, re: 02/06/13 Order. Resending to: CASEFILES. No forwarding address. [8527323] (RL) [Entered: 02/26/2013 01:42 PM]
- 03/01/2013 [48](#) Mail returned on 03/01/2013 addressed to William C. Wright for Kate MacWilliamson, Niranjan Parikh and Jon Bandish, re: 02/06/13 Order. Resending to: CASEFILES. No forwarding address. [8533176] (RL) [Entered: 03/01/2013 11:09 AM]
- 03/01/2013 [49](#) Mail returned on 02/28/2013 addressed to Kenneth G. Gilman, Esquire for Joshua Ramsey, re: 02/08/13 Order. Resending to: CASEFILES. No forwarding address. [8533254] (RL) [Entered: 03/01/2013 11:21 AM]
- 03/04/2013 [50](#) Mail returned on 03/04/2013 addressed to Peter L. Currie, Esquire for Josh Pearson, John Pearson and Mary Pearson, re: 02/08/13 Order. Resending to: CASEFILES. No forwarding address. [8535724] (RL) [Entered: 03/04/2013 02:21 PM]
- 03/15/2013 [51](#) Mail returned on 03/15/2013 addressed to Peter L. Currie, Esquire for Josh Pearson, John Pearson and Mary Pearson, re: 2/6/13 order. Resending to: 536 Wing Ln, Saint Charles, IL 60174. [8553170] (KKW) [Entered: 03/15/2013 03:32 PM]
- 03/26/2013 [52](#) Mail returned on 03/26/2013 addressed to Peter L. Currie, Esquire for Josh Pearson, John Pearson and Mary Pearson, re: 02/06/13 Order. Resending to: The Law Firm of Peter L Currie, PC, 22 W Washington Street, Suite 1500, Chicago, IL 60602-1607. [8564396] (RL) [Entered: 03/26/2013 10:58 AM]

- 03/28/2013 [53](#) Submitted (ECF) Answering Brief and supplemental excerpts of record for review. Submitted by Appellees Fender Musical Instruments Corp., Gibson Guitar Corporation, Guitar Center, Inc., Hoshino, U.S.A., Inc., Kaman Music Corporation, National Association of Music Merchants, Inc. and Yamaha Corporation of America. Date of service: 03/28/2013. [8569018] (Zwisler, Margaret) [Entered: 03/28/2013 04:56 PM]
165 pg, 1.14 MB
- 03/29/2013 [54](#) Filed clerk order: The answering brief [\[53\]](#) submitted by appellees is filed. Within 7 days of the filing of this order, appellees are 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. The Court has reviewed the supplemental excerpts of record [\[53\]](#) submitted by appellees. Within 7 days of this order, appellees are ordered to file 4 copies of the excerpts in paper format, with a white cover. The paper copies must be in the format described in 9th Circuit Rule 30-1.6. [8569966] (GV) [Entered: 03/29/2013 01:02 PM]
2 pg, 85.01 KB
- 04/04/2013 [55](#) Filed (ECF) Appellants Brandon Armstrong, Jon Bandish, Ryan J. Bigg, Augustin Cervantes, Scott Cook, Benn Feltheimer, Kevin Gagnepain, David Giambusso, Colby Giles, Allen Hale, Allen Hale, Paula Jennings, Jerry Jost, David Keel, Robert Lesko, Gerald Logsdon, Kate MacWilliamson, Kenneth Manyin, Russell D. Melton, Russell D. Melton, Mark O'Leary, Mark O'Leary, Suzanne Ondre, Jason Paradise, Niranjan Parikh, John Pearson, Josh Pearson, Mary Pearson, William S. Poff, Lisa Pritchett, Joshua Ramsey, Johan Edward Rigor, Bryan Roach, Joshua Seiler, Cynthia Sepulveda, Daniel T. Smith, Richard Tabas, Alex Teller, Dwayne Wiggins and Walter Witherspoon notice of joint brief (Reply). Date of service: 04/03/2013. [8577280] (Grzenczyk, Scott) [Entered: 04/04/2013 12:34 PM]
2 pg, 37.15 KB
- 04/04/2013 56 Filed notice of joint brief by Appellants Brandon Armstrong, Jon Bandish, Ryan J. Bigg, Augustin Cervantes, Scott Cook, Benn Feltheimer, Kevin Gagnepain, David Giambusso, Colby Giles, Allen Hale, Allen Hale, Paula Jennings, Jerry Jost, David Keel, Robert Lesko, Gerald Logsdon, Kate MacWilliamson, Kenneth Manyin, Russell D. Melton, Russell D. Melton, Mark O'Leary, Mark O'Leary, Suzanne Ondre, Jason Paradise, Niranjan Parikh, John Pearson, Josh Pearson, Mary Pearson, William S. Poff, Lisa Pritchett, Joshua Ramsey, Johan Edward Rigor, Bryan Roach, Joshua Seiler, Cynthia Sepulveda, Daniel T. Smith, Richard Tabas, Alex Teller, Dwayne Wiggins and Walter Witherspoon. Briefing schedule is now as follows: Joint reply brief due 05/02/2013. Pursuant to Circuit Rule 28-4, the brief's due date will be extended for 21 days and the size enlarged by 5 monotype pages or 1,400 words. [8577531] (RL) [Entered: 04/04/2013 02:21 PM]
- 04/05/2013 57 Filed Appellees' paper copies of supplemental excerpts of record [\[53\]](#) in 1 volume. [8578934] (GV) [Entered: 04/05/2013 12:50 PM]
- 04/05/2013 58 Received 7 paper copies of Answering brief [\[53\]](#) filed by Appellees. [8579024] (SD) [Entered: 04/05/2013 01:28 PM]
- 04/08/2013 [59](#) Received Appellant Joshua Seiler letter dated 04/05/2013 re: Please remove attorney Charles E. Tompkins from the docket. [8582416] (RL) [Entered: 04/09/2013 09:33 AM]
2 pg, 87.52 KB
- 04/09/2013 60 Terminated Charles E. Tompkins for Joshua Seiler. [8582421] (RL) [Entered: 04/09/2013 09:34 AM]
- 04/10/2013 61 Mail returned on 04/10/2013 addressed to Peter L. Currie, Esquire for Josh Pearson, John Pearson and Mary Pearson, re: Order of 2/6/13. Resending to: CASEFILE as it had been resent to new address and still with remark ATTEMPTED NOT KNOWN.. [8585279] (KKW) [Entered: 04/10/2013 03:17 PM]
- 04/16/2013 62 Mail returned on 04/15/2013 addressed to William C. Wright for Kate MacWilliamson, Niranjan Parikh and Jon Bandish, re: Order filed 3/29/2013. Resending to: The Wright Law Office, P.A., 301 Clematis Street, Suite 3000, West Palm Beach, FL 33401; Ph: (561) 514-0904. [8591280] (AF) [Entered: 04/16/2013 10:13 AM]
- 04/16/2013 63 Mail returned on 04/16/2013 addressed to Kenneth G. Gilman, Esquire for Joshua Ramsey, re: Order filed 3/29/2013. Resending to: Return to Sender; No longer at address. (CASEILFES) [8591848] (AF) [Entered: 04/16/2013 01:43 PM]
- 04/23/2013 64 Mail returned on 04/23/2013 addressed to Peter L. Currie, Esquire for Josh Pearson, John Pearson and Mary Pearson, re: 03/29/13 Order. Resending to: CASEFILES. No forwarding address. [8601860] (RL) [Entered: 04/23/2013 04:51 PM]
- 05/03/2013 [65](#) Received Appellants' notice regarding of filing Under Seal Reply Brief w/dc order attached; served on 5/2/13. [8615984] (GV) [Entered: 05/03/2013 03:46 PM]
8 pg, 253.56 KB
- 05/03/2013 66 Filed original and 7 copies of Appellants joint reply brief (Informal: No) of 34 pages UNDER SEAL. Served on 05/02/2013. [8618745] (GV) [Entered: 05/07/2013 09:30 AM]
- 07/15/2014 67 Requested appellants counsel to submit electronic copies of their excerpts of record. [9169890] (SOS) [Entered: 07/15/2014 02:33 PM]
- 07/28/2014 68 Notice of Oral Argument on Monday, October 6, 2014 - 09:00 A.M. - Courtroom 1 - Pasadena, CA.

View the Oral Argument Calendar for your case [here](#).

When you have reviewed the calendar, download the [ACKNOWLEDGMENT OF HEARING NOTICE form](#).

- complete the form, and file it via Appellate ECF or return the completed form to: PASADENA Office. [9183635] (LN) [Entered: 07/28/2014 01:33 PM]
- 07/29/2014 [69](#)
1 pg, 67.65 KB Filed (ECF) Acknowledgment of hearing notice. Location: Pasadena. Filed by Attorney Mr. Keith E. Smith, Esquire for Appellee Hoshino, U.S.A., Inc.. [9185050] (Smith, Keith) [Entered: 07/29/2014 10:00 AM]
- 08/01/2014 [70](#)
Terminated Neil G. Epstein for Hoshino, U.S.A., Inc. in 12-56674 (No longer with firm) [9190603] (TYL) [Entered: 08/01/2014 11:51 AM]
- 08/06/2014 [71](#)
1 pg, 98.9 KB Filed (ECF) Acknowledgment of hearing notice. Location: Pasadena. Filed by Attorney Mr. Daniel C. Girard for Appellants Brandon Armstrong, Joshua Ramsey, David Giambusso, Dwayne Wiggins, Jason Paradise, Kate MacWilliamson, Niranjn Parikh, Paula Jennings, Ryan J. Bigg, Mark O'Leary, Cynthia Sepulveda, Russell D. Melton, Jerry Jost, Kevin Gagnepain, Josh Pearson, John Pearson, Mary Pearson, Colby Giles, David Keel, William S. Poff, Allen Hale, Daniel T. Smith, Gerald Logsdon, Augustin Cervantes, Benn Feltheimer, Bryan Roach, Richard Tabas, Jon Bandish, Alex Teller, Scott Cook, Johan Edward Rigor, Robert Lesko, Suzanne Ondre and Lisa Pritchett. [9196153] (Girard, Daniel) [Entered: 08/06/2014 03:36 PM]
- 08/18/2014 [72](#)
1 pg, 19.23 KB Filed (ECF) Acknowledgment of hearing notice. Location: Pasadena. Filed by Attorney Margaret Moran Zwisler for Appellees Guitar Center, Inc. and Guitar Center Stores, Inc.. [9208310] (Zwisler, Margaret) [Entered: 08/18/2014 12:06 PM]
- 08/19/2014 [73](#)
1 pg, 49.77 KB Filed (ECF) Acknowledgment of hearing notice. Location: Pasadena. Filed by Attorney Lawrence G. Scarborough for Appellees Fender Musical Instruments Corp. and Kaman Music Corporation. [9210099] (Scarborough, Lawrence) [Entered: 08/19/2014 11:51 AM]
- 08/20/2014 [74](#)
1 pg, 36.57 KB Filed (ECF) Acknowledgment of hearing notice. Location: Pasadena. Filed by Attorney Timothy Harvey for Appellee Gibson Guitar Corporation. [9211210] (Harvey, Timothy) [Entered: 08/20/2014 07:13 AM]
- 08/26/2014 [75](#)
1 pg, 88.08 KB Filed (ECF) Acknowledgment of hearing notice. Location: Pasadena. Filed by Attorney Daniel A. Sasse for Appellee Yamaha Corporation of America. [9219501] (Sasse, Daniel) [Entered: 08/26/2014 02:22 PM]
- 09/05/2014 [76](#)
Terminated Donald Chidi Amamgbo for Dwayne Wiggins in 12-56674 (mail returned re: calendar notice; no forwarding address and not registered ECF filing system.) [9230762] (LN) [Entered: 09/05/2014 03:57 PM]
- 10/06/2014 [77](#)
ARGUED AND SUBMITTED TO HARRY PREGERSON, RICHARD C. TALLMAN and CARLOS T. BEA. [9266405] (BG) [Entered: 10/06/2014 11:01 AM]
- 08/25/2015 [78](#)
34 pg, 294.85 KB FILED OPINION (HARRY PREGERSON, RICHARD C. TALLMAN and CARLOS T. BEA) AFFIRMED. Judge: HP Dissenting, Judge: CTB Authoring. FILED AND ENTERED JUDGMENT. [9658873] (RMM) [Entered: 08/25/2015 08:49 AM]
- 09/08/2015 [79](#)
56 pg, 261.41 KB Filed (ECF) Appellants Brandon Armstrong, Jon Bandish, Ryan J. Bigg, Augustin Cervantes, Scott Cook, Benn Feltheimer, Kevin Gagnepain, David Giambusso, Colby Giles, Allen Hale, Allen Hale, Paula Jennings, Jerry Jost, David Keel, Robert Lesko, Gerald Logsdon, Kate MacWilliamson, Kenneth Manyin, Russell D. Melton, Russell D. Melton, Mark O'Leary, Mark O'Leary, Suzanne Ondre, Jason Paradise, Niranjn Parikh, John Pearson, Josh Pearson, Mary Pearson, William S. Poff, Lisa Pritchett, Joshua Ramsey, Johan Edward Rigor, Bryan Roach, Joshua Seiler, Cynthia Sepulveda, Daniel T. Smith, Richard Tabas, Alex Teller, Dwayne Wiggins and Walter Witherspoon petition for rehearing en banc (from 08/25/2015 opinion). Date of service: 09/08/2015. [9675473] [12-56674] (Grzenczyk, Scott) [Entered: 09/08/2015 06:43 PM]
- 09/08/2015 [83](#)
Mail returned on 09/08/2015 addressed to Robert J. Gralweski, Jr. for Augustin Cervantes, re: Opinion filed 8/25/15. Sent to: Casefile. Unable to locate Mr. Gralweski. [9686575] (RMM) [Entered: 09/17/2015 11:15 AM]
- 09/14/2015 [80](#)
Mail returned on 09/14/2015 addressed to Gary B. Friedman for Russell D. Melton, re: Opinion Filed 8/25/15. Sent to Casefiles. Unable to locate Mr. Friedman. His voicemail was full. Called Co-Counsel Ms. Pritzer left voice mail on 9/15/15 [9686508] (RMM) [Entered: 09/17/2015 10:55 AM]
- 09/14/2015 [81](#)
Mail returned on 09/14/2015 addressed to Patricia A. Meyer, Esquire for Joshua Seiler, re: Opinion Filed 8/25/15. Sent to To Casefile. Left voice mail with Ms.Meyer 9/15/15. No call back. Unable to locate.. [9686529] (RMM) [Entered: 09/17/2015 11:03 AM]
- 09/14/2015 [82](#)
Mail returned on 09/14/2015 addressed to Kenneth G. Gilman, Esquire for Joshua Ramsey, re: Opinion Filed 8/25/15. Sent to: Casefile. Called Mr. Gilman 9/15/15. Left detailed message with answering service. He did not call back. Unable to locate him. [9686544] (RMM) [Entered: 09/17/2015 11:06 AM]
- 09/18/2015 [84](#)
12 pg, 40.01 KB Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Professor Michael E. Waterstone, Professor Georgene Vairo, and Professor Debra Lyn Bassett. Date of service: 09/18/2015. [9689218] [12-56674] --[COURT UPDATE: Attached corrected brief. 09/22/2015 by TYL] (Waterstone, Michael) [Entered: 09/18/2015 04:35 PM]
- 09/23/2015 [85](#)
Entered appearance of Amici Curiae Professors Michael E. Waterstone, Georgene Vairo and Debra Lyn Bassett. [9693336] (TH) [Entered: 09/23/2015 10:19 AM]
- 09/23/2015 [86](#)
2 pg, 188.39 KB Filed clerk order: The amicus brief [84] submitted by Debra Lyn Bassett, Georgene Vairo and Michael Waterstone, Esquire is filed. Within 7 days of the filing of this order, filer is ordered to file 20 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: green. 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. [9693357] (TH) [Entered: 09/23/2015 10:28 AM]

- 09/23/2015 [87](#) Terminated Gilbert T. Adams III for Bryan Roach and Brandon Armstrong in 12-56674, Shpetim Ademi for David Giambusso in 12-56674, Peter L. Currie for Mary Pearson, Josh Pearson and John Pearson in 12-56674, Gregory L. Davis for William S. Poff in 12-56674, Robert M. Foote for Mary Pearson, Josh Pearson and John Pearson in 12-56674, Eric David Freed for Benn Feltheimer in 12-56674, Gary B. Friedman for Russell D. Melton in 12-56674, Kenneth G. Gilman for Joshua Ramsey in 12-56674, J. Barton Goplerud for Allen Hale in 12-56674, Robert J. Gralweski Jr. for Augustin Cervantes in 12-56674, Mark K. Gray for Jason Paradise in 12-56674, Daniel E. Gustofson for Augustin Cervantes in 12-56674, Mark A. Maasch for Walter Witherspoon in 12-56674, John P. McCarthy for Richard Tabas in 12-56674, Patricia A. Meyer for Joshua Seiler in 12-56674, Jesse E.M. Randolph for Kaman Music Corporation and Fender Musical Instruments Corp. in 12-56674, Steven A. Riley for Gibson Guitar Corporation in 12-56674, Sylvia M. Sokol for Walter Witherspoon in 12-56674, Ryan F. Stephen for Alex Teller in 12-56674, William C. Wright for Niranjn Parikh, Kate MacWilliamson and Jon Bandish in 12-56674 for failure to register for Appellate ECF [9693449] (TH) [Entered: 09/23/2015 11:07 AM]
- 09/25/2015 [88](#)
3 pg, 64.3 KB Filed (ECF) Appellants Brandon Armstrong, Jon Bandish, Ryan J. Bigg, Augustin Cervantes, Scott Cook, Benn Feltheimer, Kevin Gagnepain, David Giambusso, Colby Giles, Allen Hale, Allen Hale, Paula Jennings, Jerry Jost, David Keel, Robert Lesko, Gerald Logsdon, Kate MacWilliamson, Kenneth Manyin, Russell D. Melton, Russell D. Melton, Mark O'Leary, Mark O'Leary, Suzanne Ondre, Jason Paradise, Niranjn Parikh, John Pearson, Josh Pearson, Mary Pearson, William S. Poff, Lisa Pritchett, Joshua Ramsey, Johan Edward Rigor, Bryan Roach, Joshua Seiler, Cynthia Sepulveda, Daniel T. Smith, Richard Tabas, Alex Teller, Dwayne Wiggins and Walter Witherspoon citation of supplemental authorities. Date of service: 09/25/2015. [9696963] [12-56674] (Grzenczyk, Scott) [Entered: 09/25/2015 02:40 PM]
- 09/28/2015 [89](#) Received 20 paper copies of Amicus brief [\[84\]](#) filed by Debra Lyn Bassett, Georgene Vairo and Michael Waterstone, Esquire. [9698807] (TH) [Entered: 09/28/2015 02:50 PM]
- 10/07/2015 [90](#) Mail returned on 10/06/2015 addressed to Daniel E. Gustofson for Augustin Cervantes, re: Court order [\[86\]](#) filed on 09/23/2015. Returned envelope reads: return to sender; not deliverable as addressed; unable to forward. Resending to: Case Files. Counsel terminated. [9710966] (LA) [Entered: 10/07/2015 04:44 PM]
- 10/13/2015 [91](#) Mail returned on 10/09/2015 addressed to Kenneth G. Gilman , re: Court order filed on 09/23/2015 [\[87\]](#) Return to sender- not deliverable ass addressed. Resending to: casefiles- no forwarding address. [9716686] (JFF) [Entered: 10/13/2015 03:34 PM]
- 10/16/2015 [92](#) Mail returned on 10/15/2015 addressed to , re: 9/23/15 court order. Returned envelope reads: return to sender. Resending to: casefile-no longer counsel of record. [9721828] (MT) [Entered: 10/16/2015 03:39 PM]
- 10/26/2015 [93](#) Mail returned on 10/22/2015 addressed to Patricia A. Meyer , re: 9/23/15 court order. Returned envelope reads: return to sender. Resending to: casefile-no longer counsel of record, terminated on 9/23/15. [9731750] (MT) [Entered: 10/26/2015 08:40 AM]
- 10/29/2015 [94](#)
1 pg, 38.26 KB Filed order (HARRY PREGERSON, RICHARD C. TALLMAN and CARLOS T. BEA) Judge Pregerson votes to grant the petition for rehearing en banc. Judge Tallman and Judge Bea vote to deny the petition for rehearing en banc. The full court has been advised of the petition for rehearing en banc and no judge of the court has requested a vote on the petition. Fed. R. App. P. 35. The petition for rehearing en banc is DENIED. [9738280] (OC) [Entered: 10/29/2015 02:49 PM]
- 11/09/2015 [95](#)
1 pg, 186.91 KB MANDATE ISSUED.(HP, RCT and CTB) [9748745] (RL) [Entered: 11/09/2015 09:41 AM]

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