## General Docket United States Court of Appeals for the First Circuit

Court of Appeals Docket #: 24-1092

Nature of Suit: 1410 Antitrust

Docketed: 01/23/2024

Termed: 03/05/2024

US, et al v. JetBlue Airways Corporation, et al **Appeal From:** District of Massachusetts, Boston

Fee Status: filing fee paid

Case Type Information:

1) civil

2) US a party civil case

3) antitrust

**Originating Court Information:** 

District: 0101-1 : 1:23-cv-10511-WGY Lead: 1:23-cv-10511-WGY

Court Reporter: Richard Henry Romanow Trial Judge: Leo T. Sorokin, U.S. District Judge Ordering Judge: William G. Young, U.S. District Judge

Date Filed: 03/07/2023

Date Order/Judgment: Date Order/Judgment EOD: Date NOA Filed: Date Rec'd COA:

01/17/2024 01/17/2024 01/19/2024 01/21/2024

**Prior Cases:** 

 15-1562
 Date Filed: 05/08/2015
 Date Disposed: 03/28/2016
 Disposition: Affirmed

 18-1345
 Date Filed: 04/23/2018
 Date Disposed: 01/28/2019
 Disposition: Affirmed

 19-2139
 Date Filed: 11/12/2019
 Date Disposed: 11/20/2020
 Disposition: Affirmed

**Current Cases:** 

Lead Member Start End
Related

23-1897 24-1092 01/23/2024

Panel Assignment: Not available

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V

JETBLUE AIRWAYS CORPORATION; SPIRIT AIRLINES, INC.,

Defendants - Appellants.

01/23/2024	202 pg, 6.82 MB	CIVIL CASE docketed. Notice of appeal (doc. #464) filed by Appellants JetBlue Airways Corporation and Spirit Airlines, Inc Appearance form, Docketing Statement and Transcript Report/Order form due <b>02/12/2024</b> . [24-1092] (GB) [Entered: 01/29/2024 01:50 PM]		
01/29/2024	4 pg, 282.88 KB	NOTICE of appearance on behalf of Appellant JetBlue Airways Corporation filed by Attorney Ryan Shores. Served on 01/29/2024. [24-1092] (RAS) [Entered: 01/29/2024 03:53 PM]		
01/29/2024	4 pg, 310.83 KB	NOTICE of appearance on behalf of Appellant JetBlue Airways Corporation filed by Attorney David I. Gelfand. Served on 01/29/2024. [24-1092] (DIG) [Entered: 01/29/2024 03:56 PM]		
01/29/2024	5 pg, 139.18 KB	DISCLOSURE statement filed by Appellant JetBlue Airways Corporation. Served on 01/29/2024. [24-1092] (RAS) [Entered: 01/29/2024 04:10 PM]		
01/29/2024	1 pg, 503.85 KB	NOTICE of appearance on behalf of Appellee US filed by Attorney Andrew N. DeLaney. Served on 01/29/2024. [24-1092] (AND) [Entered: 01/29/2024 04:28 PM]		
01/29/2024	20 pg, 249.03 KB	MOTION to expedite <i>Consideration of the Appeal</i> filed by Appellants JetBlue Airways Corporation and Spirit Airlines, Inc Served on 01/29/2024. [24-1092] (RAS) [Entered: 01/29/2024 06:40 PM]		
01/29/2024	4 pg, 270.73 KB	NOTICE of appearance on behalf of Appellant JetBlue Airways Corporation filed by Attorney Joseph M. Kay. Served on 01/29/2024. [24-1092] (JMK) [Entered: 01/29/2024 06:45 PM]		
01/29/2024	1 pg, 97.71 KB	NOTICE of appearance on behalf of Appellant JetBlue Airways Corporation filed by Attorney Deepti Bansal. Served on 01/29/2024. [24-1092] (DB) [Entered: 01/29/2024 06:49 PM]		
01/29/2024	1 pg, 98.85 KB	NOTICE of appearance on behalf of Appellant JetBlue Airways Corporation filed by Attorney Elizabeth M. Wright. Served on 01/29/2024. [24-1092] (EMW) [Entered: 01/29/2024 06:52 PM]		
01/29/2024	7 pg, 145.47 KB	TRANSCRIPT report/order form filed by Appellants JetBlue Airways Corporation and Spirit Airlines, Inc. indicating all necessary transcripts have already been filed in district court. Served on 01/29/2024. [24-1092] (EMW) [Entered: 01/29/2024 06:54 PM]		
01/29/2024	4 pg, 217.62 KB	NOTICE of appearance on behalf of Appellant Spirit Airlines, Inc. filed by Attorney Jay Cohen. Served on 01/29/2024. [24-1092] (JC) [Entered: 01/29/2024 07:21 PM]		
01/29/2024	4 pg, 217.62 KB	NOTICE of appearance on behalf of Appellant Spirit Airlines, Inc. filed by Attorney Andrew C. Finch. Served on 01/29/2024. [24-1092] (ACF) [Entered: 01/29/2024 07:23 PM]		
01/29/2024	4 pg, 175.15 KB	DISCLOSURE statement filed by Appellant Spirit Airlines, Inc Served on 01/29/2024. [24-1092] (ACF) [Entered: 01/29/2024 07:25 PM]		
01/30/2024	1 pg, 99.22 KB	NOTICE of appearance on behalf of Appellee Commonwealth of Massachusetts filed by Attorney William T. Matlack. Served on 01/30/2024. [24-1092] (WTM) [Entered: 01/30/2024 11:38 AM]		
01/30/2024	1 pg, 97.34 KB	NOTICE of appearance on behalf of Appellee US filed by Attorney Edward Duffy. Served on 01/30/2024. [24-1092] (EWD) [Entered: 01/30/2024 03:52 PM]		
01/30/2024	1 pg, 98.08 KB	NOTICE of appearance on behalf of Appellee District of Columbia filed by Attorney Jeremy R. Girton. Served on 01/30/2024. [24-1092] (JG) [Entered: 01/30/2024 04:00 PM]		
01/31/2024	1 pg, 29.87 KB	NOTICE of appearance on behalf of Appellee State of California filed by Attorney Jamie L. Miller. Served on 01/31/2024. [24-1092] (JLM) [Entered: 01/31/2024 12:40 PM]		
01/31/2024	1 pg, 380.21 KB	NOTICE of appearance on behalf of Appellee District of Columbia filed by Attorney Caroline S. Van Zile. Served on 01/31/2024. [24-1092] (CSV) [Entered: 01/31/2024 01:11 PM]		
01/31/2024	1 pg, 98.34 KB	NOTICE of appearance on behalf of Appellee State of New York filed by Attorney Olga Kogan. Served on 01/31/2024. [24-1092] (OK) [Entered: 01/31/2024 03:08 PM]		
01/31/2024	1 pg, 89.79 KB	NOTICE of appearance on behalf of Appellee State of North Carolina filed by Attorney Jessica Sutton. Served on 01/31/2024. [24-1092] (JVS) [Entered: 01/31/2024 04:03 PM]		
01/31/2024	22 pg, 390.26 KB	RESPONSE filed by Appellees US, District of Columbia, Commonwealth of Massachusetts, State of California, State of Maryland, State of New Jersey, State of New York and State of North Carolina to [6618921-2]. Served on 01/31/2024. [24-1092] (AND) [Entered: 01/31/2024 04:30 PM]		
02/01/2024	5 pg, 109.55 KB	DISCLOSURE statement filed by Appellant JetBlue Airways Corporation. Served on 02/01/2024. [24-1092] (EMW) [Entered: 02/01/2024 01:59 PM]		
02/01/2024	64 pg, 1.01 MB	REPLY filed by Appellants JetBlue Airways Corporation and Spirit Airlines, Inc. to [6619601-2]. Served on 02/01/2024. [24-1092] (EMW) [Entered: 02/01/2024 04:48 PM]		

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02/02/2024	2 pg, 15.21 KB	ORDER entered by Gustavo A. Gelpí, Jr., Appellate Judge. Defendants-appellants' motion to expedite this appeal is resolved as follows: (1) defendants-appellants shall file their brief by 5:00 p.m. on February 26, 2024, as they have proposed; (2) plaintiffs-appellees shall file their response brief(s) by 5:00 p.m. on April 11, 2024; (3) defendants-appellants shall file their reply by 5:00 p.m. on April 25, 2024. We contemplate argument during the court's June sitting. Extensions will be strongly disfavored. [24-1092] (GB) [Entered: 02/02/2024 11:28 AM]	
02/06/2024	1 pg, 95.59 KB	NOTICE of appearance on behalf of Appellee State of Maryland filed by Attorney Schonette J. Walker. Served on 02/06/2024. [24-1092] (SW) [Entered: 02/06/2024 08:44 AM]	
02/06/2024	1 pg, 473.56 KB	NOTICE of appearance on behalf of Appellee US filed by Attorney Alice A. Wang. Served on 02/06/2024. [24-1092] (AAW) [Entered: 02/06/2024 10:06 AM]	
02/06/2024	1 pg, 478.59 KB	NOTICE of appearance on behalf of Appellee US filed by Attorney Daniel E. Haar. Served on 02/06/2024. [24-1092] (DEH) [Entered: 02/06/2024 11:35 AM]	
02/06/2024	1 pg, 475.94 KB	NOTICE of appearance on behalf of Appellee US filed by Attorney Nickolai G. Levin. Served on 02/06/2024. [24-1092] (NL) [Entered: 02/06/2024 12:21 PM]	
02/09/2024	12 pg, 116.07 KB	JOINT MOTION for leave to file deferred appendix filed by Appellant JetBlue Airways Corporation. Served on 02/09/2024. [24-1092] (EMW) [Entered: 02/09/2024 06:11 PM]	
02/12/2024	14 pg, 390.6 KB	DOCKETING statement filed by Appellant JetBlue Airways Corporation. Served on 02/12/2024. [24-1092] (RAS) [Entered: 02/12/2024 07:00 PM]	
02/12/2024	3 pg, 474.46 KB	REQUEST for removal from the service list filed by Attorney Byron Warren for Appellee State of Maryland. Certificate of service was not included. [24-1092] (GB) [Entered: 02/14/2024 04:08 AM]	
02/12/2024	3 pg, 468.81 KB	REQUEST for removal from the service list filed by Attorney Gary Honick for Appellee State of Maryland. Certificate of service was not included. [24-1092] (GB) [Entered: 02/14/2024 09:54 AM]	
02/13/2024	2 pg, 14.58 KB	ORDER entered by Gustavo A. Gelpí, Jr., Appellate Judge. The Joint Motion to Defer Appendix is denied. The parties will file their briefs as ordered on February 2, 2024. [24-1092] (GB) [Entered: 02/13/2024 08:39 AM]	
02/14/2024	2 pg, 20.02 KB	NOTICE allowing request for removal from service list. The following attorney has been removed from the service list for this case: Byron Warren for State of Maryland. [24-1092] (GB) [Entered: 02/14/2024 09:28 AM]	
02/14/2024	2 pg, 16.71 KB	NOTICE allowing request for removal from service list. The following attorney has been removed from the service list for this case: Gary Honick for State of Maryland. [24-1092] (GB) [Entered: 02/14/2024 09:56 AM]	
02/14/2024	2 pg, 57.76 KB	NOTICE issued. After 02/28/2024, the following attorneys will no longer receive notice of court issued documents in this case unless they register for an appellate ECF account: Tina Asgharian for JetBlue Airways Corporation, Charles Balaan for JetBlue Airways Corporation, Daniel P. Culley for JetBlue Airways Corporation, David Garfinkel for JetBlue Airways Corporation, Ethan Glass for JetBlue Airways Corporation, Samuel Guggenheimer for JetBlue Airways Corporation, Jacob Kotler for JetBlue Airways Corporation, Ryan Leske for JetBlue Airways Corporation, Beatriz Mejia for JetBlue Airways Corporation, Michael P. Mitchell for JetBlue Airways Corporation, Jesetriz Mejia for JetBlue Airways Corporation, Michael P. Mitchell for JetBlue Airways Corporation, Jeremy Newman for JetBlue Airways Corporation, Elizabeth Robinson for JetBlue Airways Corporation, Laura Rodgers for JetBlue Airways Corporation, Joyce Rodriguez-Luna for JetBlue Airways Corporation, Harlan Rosenson for JetBlue Airways Corporation, Matt Rosenthal for JetBlue Airways Corporation, Thomas Rucker for Spirit Airlines, Inc., Richard F. Schwed for JetBlue Airways Corporation, Leila Rashida Siddiky for JetBlue Airways Corporation, Grace Song for JetBlue Airways Corporation, Sheyla D. Soriano for JetBlue Airways Corporation, Eyitayo St. Matthew-Daniel for Spirit Airlines, Inc., Michael Tetreault for JetBlue Airways Corporation, Isabel Tuz for JetBlue Airways Corporation, Kate Wald for Spirit Airlines, Inc., Jackson Cory Yates for Spirit Airlines, Inc., Rachel Mossman Zieminski for JetBlue Airways Corporation, Don P. Amlin for US, Ana Atta-Alla for State of New Jersey, Maisie A. Baldwin for US, Michael Battaglia for US, John M. Briggs for US, Craig Louis Briskin for US, Patricia C. Corcoran for US, Christopher Michael D'Angelo for State of New York, Michael DeRita for US, John DiMarco for US, Christopher Michael D'Angelo for State of New York, Michael DeRita for US, John Robert Doffmann for State of New York, Michael DeRita for US, John Robert Doffmann for S	

Hamer for Avelo Airlines, Inc., Daniel Howley for Sun Country Airlines Holdings, Inc., Sadik Huseny for Frontier Airlines, Inc. and Frontier Group Holdings, Inc., Mary Lehner for United Airlines, Inc., Kristen E. Lloyd for Avelo Airlines, Inc., Jamie Roy Lynn for Association of Flight Attendants, Michael S. Mitchell for Delta Air Lines, Inc., Marissa Mugan for Sun Country Airlines Holdings, Inc., Michael F. Murray for Airbus Americas, Inc., Holly Ellen Oliva-Van Horsten for Transport Workers Union of America, Scott Frederick Peachman for Airbus Americas, Inc., Peter J. Perroni for Transport Workers Union of America, Kathleen M. Phillips for Transport Workers Union of America, Noah Byron Pinegar for Airbus Americas, Inc., Anna M. Rathbun for Frontier Airlines, Inc. and Frontier Group Holdings, Inc., Austin James Riter for Breeze Aviation Group, Inc., William Stallings for Southwest Airlines Co., Jeffrey D. Vanacore for OAG Aviation Worldwide, LLC and OAG Worldwide LLC and Taylor Williams for Sun Country Airlines Holdings, Inc.. [24-1092] (GB) [Entered: 02/14/2024 12:04 PM]

02/20/2024 1 pg, 180.44 KB Mail returned as undeliverable to Attorney Rachel Mossman Zieminski for Appellant JetBlue Airways Corporation. Copy of case opening nnotice entered January 23, 2024. Forwarded to The Link at Uptown 2601 Olive Street 17th Floor Dallas, TX 75201. [24-1092] (ATC) [Entered: 02/21/2024 09:31 AM]

02/23/2024

NOTICE of appearance on behalf of Appellant Spirit Airlines, Inc. filed by Attorney Kannon K. Shanmugam. Served on 02/23/2024. [24-1092] (KKS) [Entered: 02/23/2024 11:20 AM]

1 pg, 134.1 KB 02/26/2024

NOTICE of appearance on behalf of Appellant JetBlue Airways Corporation filed by Attorney Daniel P. Culley. Served on 02/26/2024. [24-1092] (DPC) [Entered: 02/26/2024 03:08 PM]

02/26/2024

5 pg, 215.29 KB

BRIEF tendered by Appellants JetBlue Airways Corporation and Spirit Airlines, Inc.. [24-1092] CLERK'S NOTE: Party selection was incomplete. Correction made by clerk's office. No further action required. (EMW) [Entered: 02/26/2024 04:08 PM]

181 pg, 714.66 KB

APPENDIX tendered by Appellants JetBlue Airways Corporation and Spirit Airlines, Inc.. Served on 02/26/2024. [24-1092] CLERK'S NOTE: Party selection was incomplete. Correction made by clerk's office.

4696 pg, 120.97 MB

02/26/2024

No further action required. (EMW) [Entered: 02/26/2024 04:18 PM]

02/27/2024 181 pg, 714.66 KB APPELLANTS' BRIEF filed by Appellants JetBlue Airways Corporation and Spirit Airlines, Inc. Served on 02/26/2024. Nine paper copies identical to that of the electronically filed brief must be submitted so that they are received by the court on or before 03/05/2024. [24-1092]. CLERK'S NOTE: Docket entry was edited to modify the docket text. (NP) [Entered: 02/27/2024 02:47 PM]

02/27/2024 

JOINT APPENDIX filed by Appellants JetBlue Airways Corporation and Spirit Airlines, Inc.. Served on 02/26/2024. Five paper copies of the electronically filed appendix must be submitted so that they are received by the court on or before 03/05/2024 [24-1092] (NP) [Entered: 02/27/2024 03:08 PM]

4696 pg, 120.97 MB

2 pg, 20.96 KB

DISCLOSURE statement filed by Appellants JetBlue Airways Corporation and Spirit Airlines, Inc. Served

02/27/2024

on 02/27/2024. [24-1092] (NP) [Entered: 03/05/2024 09:16 AM] 1 pg, 92.72 KB

02/29/2024  NOTICE issued. The following attorneys have failed to register for an appellate ECF account and will no longer receive notice of court issued documents in this case: Tina Asgharian for JetBlue Airways Corporation, Charles Balaan for JetBlue Airways Corporation, David Garfinkel for JetBlue Airways Corporation, Ethan Glass for JetBlue Airways Corporation, Samuel Guggenheimer for JetBlue Airways Corporation, Jacob Kotler for JetBlue Airways Corporation, Ryan Leske for JetBlue Airways Corporation, Beatriz Mejia for JetBlue Airways Corporation, Michael P. Mitchell for JetBlue Airways Corporation, Jared P. Nagley for Spirit Airlines, Inc., Noni Nelson for JetBlue Airways Corporation, Jeremy Newman for JetBlue Airways Corporation, Elizabeth Robinson for JetBlue Airways Corporation, Laura Rodgers for JetBlue Airways Corporation, Joyce Rodriguez-Luna for JetBlue Airways Corporation, Harlan Rosenson for JetBlue Airways Corporation, Matt Rosenthal for JetBlue Airways Corporation, Thomas Rucker for Spirit Airlines, Inc., Richard F. Schwed for JetBlue Airways Corporation, Leila Rashida Siddiky for JetBlue Airways Corporation, Grace Song for JetBlue Airways Corporation, Sheyla D. Soriano for JetBlue Airways Corporation, Eyitayo St. Matthew-Daniel for Spirit Airlines, Inc., Michael Tetreault for JetBlue Airways Corporation, Isabel Tuz for JetBlue Airways Corporation, Kate Wald for Spirit Airlines, Inc., Jackson Cory Yates for Spirit Airlines, Inc., Rachel Mossman Zieminski for JetBlue Airways Corporation, Don P. Amlin for US, Maisie A. Baldwin for US, Michael Battaglia for US, John M. Briggs for US, Craig Louis Briskin for US, Patricia C. Corcoran for US, Christopher Michael D'Angelo for State of New York, Michael DeRita for US, John DiMarco for US, John Richard Doidge for US, Morgan J. Feder for State of New York, Brian Hanna for US, Elinor Hoffmann for State of New York, Gary Honick for State of Maryland, Daniel Loevinsohn for US, Arianna Markel for US, Amy Elizabeth McFarlane for State of New York, James L. Moore, III for US, Komal Patel for State of California, Stephanie Elise Pearl for US, Sarah V. Riblet for US, Brendan Sepulveda for US, Katherine Celeste Speegle for US, Aaron Teitelbaum for US, John R Thornburgh, II for US, Estefania Yulianny Torres Paez for District of Columbia, Byron Warren for State of Maryland, Garrett Windle for US, Allison Aviki for Southwest Airlines Co., Jonathan R. Buck for OAG Worldwide LLC, Alan Devlin for Frontier Airlines, Inc. and Frontier Group Holdings, Inc., Nathaniel Bruce Edmonds for Airbus Americas, Inc., Julie Scharfenberg Elmer for United Airlines, Inc., John J. Falvey, Jr. for United Airlines, Inc., Carla N. Gilbertson for Allegiant Air LLC, Jonathan O. Hafen for Breeze Aviation

Group, Inc., Mark H. Hamer for Avelo Airlines, Inc., Daniel Howley for Sun Country Airlines Holdings, Inc., Sadik Huseny for Frontier Airlines, Inc. and Frontier Group Holdings, Inc., Mary Lehner for United Airlines,

		Inc., Kristen E. Lloyd for Avelo Airlines, Inc., Jamie Roy Lynn for Association of Flight Attendants, Michael S. Mitchell for Delta Air Lines, Inc., Marissa Mugan for Sun Country Airlines Holdings, Inc., Michael F. Murray for Airbus Americas, Inc., Holly Ellen Oliva-Van Horsten for Transport Workers Union of America, Scott Frederick Peachman for Airbus Americas, Inc., Peter J. Perroni for Transport Workers Union of America, Kathleen M. Phillips for Transport Workers Union of America, Noah Byron Pinegar for Airbus Americas, Inc., Anna M. Rathbun for Frontier Airlines, Inc. and Frontier Group Holdings, Inc., Austin James Riter for Breeze Aviation Group, Inc., William Stallings for Southwest Airlines Co., Jeffrey D. Vanacore for OAG Aviation Worldwide, LLC and OAG Worldwide LLC and Taylor Williams for Sun Country Airlines Holdings, Inc [24-1092] (GB) [Entered: 02/29/2024 03:48 AM]
02/29/2024	1 pg, 97.6 KB	NOTICE of appearance on behalf of Appellee State of New Jersey filed by Attorney Ana Atta-Alla. Served on 02/29/2024. [24-1092] (AA) [Entered: 02/29/2024 10:50 AM]
03/01/2024		PLEADING tendered: Supplemental Appendix <i>(provisionally filed under seal)</i> filed by Appellants JetBlue Airways Corporation and Spirit Airlines, Inc Number of Volumes: THREE (3). Number of Paper Copies: FIVE (5). Number of Electronic Copy on CD: ONE (1). Certificate of service was not included. [24-1092] (GB) [Entered: 03/01/2024 03:31 PM]
03/04/2024	1 pg, 98.53 KB	NOTICE of appearance on behalf of Movant(s) U.S Chamber of Commerce filed by Attorney Lauren Willard Zehmer. Served on 03/04/2024. [24-1092] (LWZ) [Entered: 03/04/2024 10:14 AM]
03/04/2024	29 pg, 217.23 KB	AMICUS CURIAE BRIEF tendered by U.S. Chamber of Commerce. [24-1092] (LWZ) [Entered: 03/04/2024 10:25 AM]
03/04/2024	29 pg, 235.11 KB	DISCLOSURE statement filed by Amicus Curiae Chamber of Commerce of the United States of America. Served on 03/04/2024. [24-1092] (GB) [Entered: 03/04/2024 10:51 AM]
03/04/2024	1 pg, 99 KB	NOTICE of appearance on behalf of Movant(s) U.S. Chamber of Commerce filed by Attorney Eli Nachmany. Served on 03/04/2024. [24-1092] (EN) [Entered: 03/04/2024 10:57 AM]
03/04/2024	29 pg, 217.68 KB	AMICUS CURIAE BRIEF tendered by U.S. Chamber of Commerce. [24-1092] (LWZ) [Entered: 03/04/2024 04:33 PM]
03/05/2024	8 pg, 122.89 KB	STIPULATED MOTION to dismiss case filed by Appellants JetBlue Airways Corporation, Spirit Airlines, Inc. and Appellees Commonwealth of Massachusetts, District of Columbia, State of California, State of New Jersey, State of Maryland, State of New York, State of North Carolina and US. Served on 03/05/2024. [24-1092] (EMW) [Entered: 03/05/2024 11:37 AM]
03/05/2024	1 pg, 10.81 KB	JUDGMENT entered. Upon consideration of stipulation, it is hereby ordered that this appeal be voluntarily dismissed pursuant to Fed. R. App. P. 42(b)(1) with each party to bear its own costs. Mandate to issue forthwith. [24-1092] (GB) [Entered: 03/05/2024 03:29 PM]
03/05/2024	1 pg, 9.81 KB	MANDATE issued. [24-1092] (GB) [Entered: 03/05/2024 03:30 PM]
03/06/2024	1 pg, 169.92 KB	Mail returned as undeliverable to Attorney Peter J. Perroni for Not Party Transport Workers Union of America. Copy of case opening notice entered January 23, 2024. [24-1092] (ATC) [Entered: 03/06/2024 11:08 AM]

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<ul><li>Documents and Docket</li><li>Documents Only</li></ul>	Summary		
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