

General Docket
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 11-55293	Docketed: 02/23/2011
Nature of Suit: 1410 Antitrust	Termed: 03/30/2011
FTC v. Laboratory Corporation of Amer, et al	
Appeal From: U.S. District Court for Central California, Santa Ana	
Fee Status: USA - No Fee Req	

Case Type Information:

- 1) civil
- 2) united states
- 3) null

Originating Court Information:**District:** 0973-8 : [8:10-cv-01873-AG-MLG](#)**Court Reporter:** Blanca Aguilar, Official Court Reporter**Trial Judge:** Andrew J. Guilford, District Judge**Date Filed:** 12/08/2010**Date Order/Judgment:**

02/22/2011

Date Order/Judgment EOD:

02/22/2011

Date NOA Filed:

02/23/2011

Date Rec'd COA:

02/23/2011

Prior Cases:

None

Current Cases:

None

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v.

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FEDERAL TRADE COMMISSION,

Plaintiff - Appellant,

v.

LABORATORY CORPORATION OF AMERICA; LABORATORY CORPORATION OF AMERICA HOLDINGS,

Defendants - Appellees.

- 02/23/2011 [1](#) DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. SEND MQ: Yes. The schedule is set as follows: Mediation Questionnaire due on 03/02/2011. Referred to MOATT pursuant to FRAP 3-3. (MOATT) [7657837] (JN)
13 pg, 580.53 KB
- 02/23/2011 [2](#) Received Appellant's Representation Statement. Served on 02/23/2011. [7657881] (JN)
3 pg, 11.81 KB
- 02/25/2011 [3](#) Filed clerk order (Deputy Clerk:KB): The appeal filed February 23, 2011 is a preliminary injunction appeal. Accordingly, Ninth Circuit Rule 3-3 shall apply. If they have not already done so, within 7 calendar days after the filing date of this order, the parties shall make arrangements to obtain from the court reporter an official transcript of proceedings in the district court that will be included in the record on appeal. The briefing schedule shall proceed as follows: the opening brief and excerpts of record are due not later than March 23, 2011; the answering brief is due April 20, 2011 or 28 days after service of the opening brief, whichever is earlier; and the optional reply brief is due within 14 days after service of the answering brief. See 9th Cir. R. 3-3(b). Failure to file timely the opening brief shall result in the automatic dismissal of this appeal by the Clerk for failure to prosecute. See 9th Cir. R. 42-1. [7660604] (KKW)
2 pg, 28.96 KB
- 02/28/2011 [4](#) Filed (ECF) notice of appearance of David L. Sieradzki for Appellant FTC. Date of service: 02/28/2011. [7661202] (DLS)
1 pg, 25.2 KB
- 02/28/2011 [5](#) Filed (ECF) notice of appearance of John F. Daly for Appellant FTC. Date of service: 02/28/2011. [7661203] (DLS)
1 pg, 25.21 KB
- 02/28/2011 [6](#) Added attorney David L. Sieradzki, John F. Daly for FTC, in case 11-55293. [7661568] (MT)
- 02/28/2011 [7](#) Filed Appellant FTC notification and motion to file under seal motion for injunction.. Served on 02/28/2011. [7662554] (MT)
14 pg, 670.14 KB
- 02/28/2011 [8](#) Filed [FILED UNDER SEAL] Appellant FTC emergency motion under circuit rule 27-3. Served on 02/28/2011. [7662572] (MT)
- 02/28/2011 [9](#) Filed UNDER SEAL Appellant FTC exhibits to emergency motion (volume 1). [7662587] (MT)
- 02/28/2011 [10](#) Filed UNDER SEAL Appellant FTC exhibits to emergency motion (volume 2) [7662599] (MT)
- 03/02/2011 [11](#) Filed (ECF) notice of appearance of Catherine E. Stetson for Appellees Laboratory Corporation of America and Laboratory Corporation of America Holdings. Date of service: 03/02/2011. [7665658] (CES)
1 pg, 331.84 KB
- 03/02/2011 [12](#) Added attorney Catherine Emily Stetson for Laboratory Corporation of America Laboratory Corporation of America Holdings, in case 11-55293. [7665700] (MT)
- 03/02/2011 [13](#) Filed (ECF) notice of appearance of Corey W. Roush for Appellees Laboratory Corporation of America and Laboratory Corporation of America Holdings. Date of service: 03/02/2011. [7665865] (CWR)
1 pg, 331.82 KB
- 03/02/2011 [14](#) Filed (ECF) Appellees Laboratory Corporation of America and Laboratory Corporation of America Holdings response opposing motion (,for injunction pending appeal). Date of service: 03/02/2011. [7666110] (CES)
27 pg, 75.78 KB
- 03/03/2011 [15](#) Filed (ECF) Appellant FTC Mediation Questionnaire. Date of service: 03/02/2011. [7666116]--[COURT UPDATE: Attached certificate of service. Resent NDA. 03/03/2011 by TT] (DLS)
4 pg, 47.96 KB
- 03/03/2011 [16](#) COURT DELETED ENTRY. Correct entry above [\[15\]](#). Original text: Filed (ECF) Appellant FTC Mediation Questionnaire. Date of service: 03/02/2011. [7666119] (DLS)
- 03/03/2011 [17](#) Filed (ECF) notice of appearance of J. Robert Robertson for Appellees Laboratory Corporation of America and Laboratory Corporation of America Holdings. Date of service: 03/03/2011. [7666129] (JRR)
1 pg, 331.82 KB
- 03/03/2011 [18](#) Filed (ECF) Appellant FTC reply to response (,for injunction pending appeal,). Date of service: 03/03/2011. [7667381] (DLS)
14 pg, 33.3 KB
- 03/04/2011 [19](#) Filed order (EDWARD LEAVY, A. WALLACE TASHIMA and JAY S. BYBEE) We grant appellant's motion to file under seal the emergency motion for injunctive relief and the exhibits to the motion. To allow for further consideration of appellant's opposed emergency motion for injunctive relief, we grant a temporary injunction requiring appellees to comply with the hold separate agreement and to maintain separate and independent business operations of Westcliff/Labwest. The temporary injunction will expire at 11:59 p.m. Pacific Daylight Time ("PDT") on Friday, March 18, 2011, unless further extended by order of the court. The current briefing schedule remains in effect. [7669660] (KD)
2 pg, 25.39 KB
- 03/07/2011 [20](#) COURT DELETED ENTRY. Notices refiled separately below: [\[21\]](#), [\[22\]](#), [\[23\]](#), [\[24\]](#), [\[25\]](#). Original text: Filed (ECF) notice of appearance of J. Thomas Greene et al. for Appellant FTC. Date of service: 03/07/2011. [7670172] (DLS)

- 03/11/2011 [21](#) Filed (ECF) notice of appearance of Stephanie A. Wilkinson for Appellant FTC. Date of service: 03/11/2011. [7677632] (SAW)
1 pg, 350.42 KB
- 03/11/2011 [22](#) Filed (ECF) notice of appearance of Jonathan S. Klarfeld for Appellant FTC. Date of service: 03/11/2011. [7677642] (JSK)
1 pg, 350.36 KB
- 03/11/2011 [23](#) Filed (ECF) notice of appearance of Michael R. Moiseyev for Appellant FTC. Date of service: 03/11/2011. [7677651] (MRM)
1 pg, 362.12 KB
- 03/11/2011 [24](#) Filed (ECF) notice of appearance of James Thomas Greene for Appellant FTC. Date of service: 03/11/2011. [7677668] (JTG)
1 pg, 350.4 KB
- 03/11/2011 [25](#) Filed (ECF) notice of appearance of Stephen A. Mohr for Appellant FTC. Date of service: 03/11/2011. [7677783] (SAM)
1 pg, 332.18 KB
- 03/11/2011 26 Added attorney James Thomas Greene, Michael Rand Moiseyev for FTC, in case 11-55293. [7678055] (MT)
- 03/14/2011 [27](#) Filed order (EDWARD LEAVY, A. WALLACE TASHIMA and JAY S. BYBEE) The temporary injunction issued on March 4, 2011 is lifted. Appellant's opposed emergency motion for injunctive relief is denied. See 15 U.S.C. §53(b); see also FTC v. Affordable Media, 179 F.3d 1228, 1233 (9th Cir. 1999). The previously established briefing schedule remains in effect. No request for an extension of time for briefing shall be granted absent extraordinary circumstances. This case shall be calendared during the week of June 6, 2011 at The Richard H. Chambers Courthouse in Pasadena, California. Judge Tashima would have granted the emergency motion for injunctive relief. See FTC v. Warner Commc'ns, 742 F.2d 1156, 1160, 1162 (9th Cir. 1984). [7680257] (RS)
2 pg, 33.73 KB
- 03/22/2011 28 Mail returned on 03/21/2011 addressed to Mr. Jonathan Scott Klarfeld, Esquire for FTC, re: 3-4-11 order. Resending to: FTC-Federal Trade Commission 601 New Jersey Ave., N. W. Washington, D.C. 20001. [7689714] (MT)
- 03/23/2011 [29](#) Filed (ECF) Appellant FTC Motion to dismiss case voluntarily pursuant to FRAP 42(b). Date of service: 03/23/2011. [7691610] (DLS)
3 pg, 10.87 KB
- 03/30/2011 [30](#) Filed order (Deputy Clerk: KB) This is a preliminary injunction appeal. Appellant's motion for voluntary dismissal of this appeal is granted. This appeal is dismissed. See Fed. R. App. P. 42(b). This order served on the district court shall act as and for the mandate of this court. [7699036] (KKW)
1 pg, 26.32 KB

- Documents and Docket Summary
 Documents Only
- Include Page Numbers

Selected Pages: Selected Size:

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