

General Docket
United States Court of Appeals for the Sixth Circuit

Court of Appeals Docket #: 00-6267 Nature of Suit: 3410 Antitrust Conwood Co LP, et al v. US Tobacco Co, et al Appeal From: Western District of Kentucky at Paducah Fee Status: fee paid	Docketed: 09/26/2000 Termed: 05/15/2002
Case Type Information: 1) Civil 2) Private 3) Federal Question	
Originating Court Information: District: 0644-5 : 98-00108 Court Reporter: Jerome Roppel Trial Judge: Thomas B. Russell, U.S. District Judge Date Filed: 04/22/1998 Date Order/Judgment: 08/11/2000	
Date NOA Filed: 09/11/2000	
Prior Cases: None	
Current Cases: None	

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 Plaintiff - Appellee

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v.

UNITED STATES TOBACCO COMPANY
Defendant - Appellant

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UNITED STATES TOBACCO SALES AND MARKETING
COMPANY, INC.

Defendant - Appellant

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UNITED STATES TOBACCO MANUFACTURING COMPANY,
INC.

Defendant - Appellant

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Defendant - Appellant

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CONWOOD COMPANY, L.P.; CONWOOD SALES COMPANY, L.P.

Plaintiffs - Appellees

v.

UNITED STATES TOBACCO COMPANY; UNITED STATES TOBACCO SALES
AND MARKETING COMPANY, INC.; UNITED STATES TOBACCO
MANUFACTURING COMPANY, INC.; UST, INC.

Defendants - Appellants

- 09/26/2000 1 Civil Case Docketed. Notice filed by Appellants US Tobacco Co, US Tobacco Sales, US Tobacco Mfg Co, UST Inc. Transcript needed: y (MCP)
- 09/26/2000 2 The case manager for this case is: mcp (MCP)
- 09/26/2000 3 TRANSCRIPT ORDER FORM filed by Ridley M. Sandidge for Appellant UST Inc, Appellant US Tobacco Mfg Co, Appellant US Tobacco Sales, Appellant US Tobacco Co: Transcript on file in district court. [00-6267] [3] (BLH)
- 10/02/2000 5 APPEARANCE filed by Attorney Mark C. Hansen for Appellees Conwood Sales Co, Conwood Co LP [00-6267] (MCP)
- 10/02/2000 6 APPEARANCE filed by Attorney Neil M. Gorsuch for Appellees Conwood Sales Co, Conwood Co LP [00-6267] (MCP)
- 10/04/2000 7 APPEARANCE filed by Attorney Ridley M. Sandidge for Appellants UST Inc, US Tobacco Mfg Co, US Tobacco Sales, US Tobacco Co [00-6267] (MCP)
- 10/04/2000 11 APPEARANCE filed by Attorney Lynn K. Fieldhouse for Appellants UST Inc, US Tobacco Mfg Co, US Tobacco Sales, US Tobacco Co [00-6267] (MCP)
- 10/06/2000 9 APPEARANCE filed by Attorney Richard C. Roberts for Appellees Conwood Sales Co, Conwood Co LP [00-6267] (MCP)
- 10/10/2000 10 APPEARANCE filed by Attorney John S. Reed for Appellants UST Inc, US Tobacco Mfg Co, US Tobacco Sales, US Tobacco Co [00-6267] (MCP)
- 10/10/2000 13 APPEARANCE filed by Attorney Ernest Gellhorn for Appellants UST Inc, US Tobacco Mfg Co, US Tobacco Sales, US Tobacco Co [00-6267] (MCP)
- 10/10/2000 14 PRE-ARGUMENT STATEMENT filed by John S. Reed for Appellants UST Inc, US Tobacco Mfg Co, US Tobacco Sales, US Tobacco Co [00-6267] (MCP)
- 10/10/2000 18 APPEARANCE filed by Attorney Neal R. Stoll for Appellants UST Inc, US Tobacco Mfg Co, US Tobacco Sales, US Tobacco Co [00-6267] (MCP)
- 10/10/2000 19 APPEARANCE filed by Attorney James A. Keyte for Appellants UST Inc, US Tobacco Mfg Co, US Tobacco Sales, US Tobacco Co [00-6267] (MCP)
- 10/12/2000 17 BRIEFING LETTER SENT setting briefing schedule: appellant proof brief due 11/21/00 ; appellee proof brief due 12/21/00 ; reply proof brief due 1/4/01 ; appendix due 1/11/01 ; final briefs due 2/1/01 . [00-6267] . (MCP)
- 10/23/2000 20 NOTICE of change of address of appellees' counsel filed by Neil M. Gorsuch for Appellees Conwood Sales Co, Conwood Co LP. Address change effective 10/30/2000. Certificate of service date 10/20/00 [00-6267] (MCP)
- 10/23/2000 21 Appellant MOTION filed to allow principle briefs of not more than 28,000 words, 2,600 lines on monospaced face text or 60 pages, and allowing the reply brief of not more than 14,000 words, 1,300 lines of monospaced fact text or 30 pages, to extend time to file proof brief until 12/21/2000 (30) days, and allowing appellees 60 days to file their proof brief, allowing 30 days for appellant's reply brief, 28 days for appendix, and the normal 21 days for final briefs . Motion filed by John S. Reed for Appellants UST Inc, US Tobacco Mfg Co, Tobacco Sales, US Tobacco Co. Certificate of service date 10/20/00 [00-6267] (MCP)
- 10/23/2000 22 FILED : Corporate Disclosure Statement from John S. Reed for Appellants UST Inc, US Tobacco Mfg Co, US Tobacco Sales, US Tobacco Co [00-6267] (MCP)
- 10/30/2000 23 Appellee RESPONSE in opposition filed regarding a motion to appellants' motion to extend briefing [21] double page limits [21] previously filed by John S. Reed . Response from Richard C. & Mark C. Hansen for Appellee Conwood Sales Co, Appellee Conwood Co LP. Certificate of service date 10/27/00 [00-6267] (MCP)
- 10/30/2000 24 Corporate Disclosure Statement FILED : from Mark C. Hansen & Richard C. Roberts for Appellees Conwood Sales Co, Conwood Co LP [00-6267] (MCP)
- 11/01/2000 25 REPLY filed by John S. Reed for Appellants UST Inc, US Tobacco Mfg Co, US Tobacco Sales, US Tobacco Co, in support of appellants motion for an order governing briefing. [00-6267] (MCP)
- 11/02/2000 28 APPEARANCE filed by Attorney L. Clifford Craig for Appellees Conwood Sales Co, Conwood Co LP [00-6267] (MCP)
- 11/09/2000 29 ORDER filed denying motion to file over size brief [21] granting motion to extend briefing for an additional two weeks [21] motion filed by John S. Reed [00-6267] . (MCP)
- 11/09/2000 30 BRIEFING LETTER SENT resetting briefing schedule: appellant proof brief now due 12/5/00 ; appellee proof brief now due 1/4/01 ; reply proof brief now due 1/18/01 ; appendix now due 1/25/01 ; final briefs now due 2/15/01 ; [00-6267] . (MCP)
- 11/22/2000 31 Appellee MOTION filed for leave to file a companion electronic brief [31] . Motion filed by L. Clifford Craig, Richard C. Roberts & Mark C. Hansen for Appellees Conwood Sales Co, Conwood Co LP. Certificate of service date 11/21/00 . [00-6267] (MCP)

- 11/30/2000 32 ORDER filed denying motion to file companion electronic briefs [31] filed by L. Clifford Craig, Richard C. Roberts, Mark C. Hansen [00-6267] . (MCP)
- 12/05/2000 34 , Ernest Gellhorn , Lynn K. Fieldhouse , John S. Reed , Neal R. Stoll , Ridley M. Sandidge for Appellant UST Inc, Appellant US Tobacco Mfg Co, Appellant US Tobacco Sales, Appellant US Tobacco Co. Certificate of service date 12/5/00 Number of Pages: 92. [00-6267] (f)
- 12/05/2000 35 Request to require oral argument filed by James A. Keyte , Ernest Gellhorn , Lynn K. Fieldhouse , John S. Reed , Neal R. Stoll , Ridley M. Sandidge for Appellant UST Inc, Appellant US Tobacco Mfg Co, Appellant US Tobacco Sales, Appellant US Tobacco Co [00-6267] (f)
- 12/05/2000 36 BRIEFING LETTER SENT requesting brief corrections from James A. Keyte, Ernest Gellhorn, Lynn K. Fieldhouse, John S. Reed, Neal R. Stoll, Ridley M. Sandidge because chart pages need to be included in the pagination, exhibits need to be clearly identified in appendix designation. Corrections due: 12/20/00 . (f)
- 12/12/2000 38 APPEARANCE filed by Attorney John D. Harkrider for Amicus Curiae Daniel L. McFadden [00-6267] (MCP)
- 12/12/2000 39 Amicus MOTION filed to allow Dr. Daniel L. McFadden to file amicus curiae brief in support of appellants US Tobacco Company et al. Motion filed by John D. Harkrider for Amicus Curiae Daniel L. McFadden. Certificate of service date 12/11/00 . [00-6267] (MCP)
- 12/12/2000 41 BRIEF TENDERED. Received from John D. Harkrider for Amicus Curiae Daniel L. McFadden [00-6267] . Certificate of service date 12/11/00. Copies 7. Pages 32. (MCP)
- 12/21/2000 45 Appellee RESPONSE in opposition filed regarding a motion for leave to file amicus curiae brief [39] motion previously filed by John D. Harkrider . Response from L. Clifford Craig, Richard C. Roberts & Neil M. Gorsuch for Appellees Conwood Sales Co, Conwood Co LP. Certificate of service date 12/20/00 [00-6267] (MCP)
- 12/27/2000 46 REPLY memorandum filed by John D. Harkrider for Amicus Curiae Daniel L. McFadden in support of his motion for leave to file an amicus curiae brief. Certificate of service date 12/22/00. [00-6267] (MCP)
- 01/08/2001 49 PROOF BRIEF filed by L. Clifford Craig, Richard C. Roberts, Mark C. Hansen & Neil M. Gorsuch for Appellees Conwood Sales Co, Conwood Co LP. Certificate of service date 1/4/01. Number of Pages: 117. [00-6267] (MCP)
- 01/08/2001 50 Request to waive oral argument and submit case on the briefs, (waiver on page: 1), filed by L. Clifford Craig, Richard C. Roberts, Mark C. Hansen & Neil M. Gorsuch for Appellees Conwood Sales Co, Conwood Co LP [00-6267] (MCP)
- 01/10/2001 48 Pre-Argument Conference work complete. (LMN)
- 01/12/2001 53 BRIEFING LETTER SENT requesting brief corrections from Mark C. Hansen because references to the district court record should contain descriptions. References should also be placed in parenthesis. Corrected proof brief due: 1/25/01 . (MCP)
- 01/18/2001 52 PROOF REPLY BRIEF filed by Neal R. Stoll , James A. Keyte , Ernest Gellhorn , John S. Reed , Ridley M. Sandidge , Lynn K. Fieldhouse for Appellant UST Inc, Appellant US Tobacco Mfg Co, Appellant US Tobacco Sales, Appellant US Tobacco Co Certificate of service date 1/18/01 [00-6267] (f)
- 01/25/2001 54 Corrected appellee proof brief filed by L. Clifford Craig, Neil M. Gorsuch, Mark C. Hansen, Richard C. Roberts. Copies: 1. Certificate of Service date 1/24/01 [00-6267] (f)
- 01/26/2001 55 APPENDIX filed by James A. Keyte , Ernest Gellhorn , Lynn K. Fieldhouse , John S. Reed Neal R. Stoll , Ridley M. Sandidge for Appellant UST Inc, Appellant US Tobacco Mfg Co, Appellant US Tobacco Sales, Appellant US Tobacco Co. Copies: 5. Certificate of service date 1/25/01 [00-6267] Vol 1-13 Vol's 8-12 under seal, Vol 13 binder with cassette tape. (f)
- 02/15/2001 56 FINAL BRIEF filed by Neil M. Gorsuch , Mark C. Hansen , Richard C. Roberts for Appellee Conwood Sales Co, Appellee Conwood Co LP. Copies: 7. Certificate of service date 2/14/01 . Number of Pages: 93. [00-6267] (f)
- 02/15/2001 57 Request to require oral argument filed by Mark C. Hansen for Appellee Conwood Sales Co, Appellee Conwood Co LP [00-6267] (f)
- 02/15/2001 58 FINAL REPLY BRIEF filed by James A. Keyte , Ernest Gellhorn , Lynn K. Fieldhouse , John S. Reed , Neal R. Stoll , , Ridley M. Sandidge for Appellant UST Inc, Appellant US Tobacco Mfg Co, Appellant US Tobacco Sales, Appellant US Tobacco Co. Copies: 7 Certificate of service date 2/15/01 Number of Pages: 45. [00-6267] (f)
- 02/15/2001 59 FINAL BRIEF filed by James A. Keyte , Ernest Gellhorn , Lynn K. Fieldhouse , John S. Reed , Neal R. Stoll , Ridley M. Sandidge for Appellant UST Inc, Appellant US Tobacco Mfg Co, Appellant US Tobacco Sales, Appellant US Tobacco Co. Copies: 7. Certificate of service date 2/15/01 Number of Pages: 104. [00-6267] (f)
- 02/15/2001 60 Request to require oral argument filed by John S. Reed for Appellant UST Inc, Appellant US Tobacco Mfg Co, Appellant US Tobacco Sales, Appellant US Tobacco Co [00-6267] (f)
- 03/21/2001 61 Appellant MOTION filed to file corrected appellant brief. Printing error in final brief filed 2/15/01 contained 2 page vii's and 3 page xi's. Motion filed by John S. Reed for Appellants UST Inc, US Tobacco Mfg Co, US Tobacco Sales, US Tobacco Co. Certificate of service date 3/21/01 [00-6267] (MCP)
- 03/21/2001 64

- FINAL BRIEF filed by James A. Keyte , Ernest Gellhorn , Lynn K. Fieldhouse , John S. Reed , Neal R. Stoll , Ridley M. Sandidge for Appellant UST Inc, Appellant US Tobacco Mfg Co, Appellant US Tobacco Sales, Appellant US Tobacco Co. Copies: 7. Certificate of service date 3/21/01 Number of Pages: 101. [00-6267] This is a corrected brief replaced previous filed brief. (f)
- 03/26/2001 63 LETTER SENT by mcp granting motion to file corrected appellants' brief [61] motion filed by John S. Reed [00-6267] (MCP)
- 08/10/2001 66 ADDITIONAL CITATION filed by John S. Reed for Appellants UST Inc, US Tobacco Mfg Co, US Tobacco Sales, US Tobacco Co. Certificate of service date 8/9/01 [00-6267] (MCP)
- 08/10/2001 68 Appellant MOTION filed to enlarge the time for oral argument for 30 minutes for each side. Motion filed by John S. Reed for Appellants UST Inc, US Tobacco Mfg Co, US Tobacco Sales, US Tobacco Co. Certificate of service date 8/9/01 [00-6267] (MCP)
- 08/17/2001 70 Appellee RESPONSE in opposition filed regarding a motion to extend argument time limits [68] previously filed by John S. Reed. Response from L. Clifford Craig, Richard C. Roberts and Mark C. Hansen for Appellees Conwood Sales Co, Conwood Co LP. Certificate of service date 8/16/01 [00-6267] (MCP)
- 08/24/2001 72 REPLY filed by John S. Reed for Appellants UST Inc, US Tobacco Mfg Co, US Tobacco Sales, US Tobacco Co in support of motion for oral argument time. [00-6267] (MCP)
- 10/02/2001 75 Oral argument date set for November 27, 2001 in court room 636. Notice of argument sent to counsel. [00-6267] (RD)
- 10/17/2001 80 LETTER SENT by mcp denying motion to enlarge the time for oral argument [68] filed by John S. Reed [00-6267] (MCP)
- 10/19/2001 82 ORDER filed denying motion of Dr. Daniel L. McFadden for leave to file amicus curiae brief, [39] motion filed by John D. Harkrider [00-6267] . Entered by order of the court. (MCP)
- 11/23/2001 85 ADDITIONAL CITATION filed by Mark C. Hansen for Appellee Conwood Sales Co. Certificate of service date 11/21/01 [00-6267] (PJE)
- 11/26/2001 87 Appellant's RESPONSE in opposition to appellee's additional cite filed John S. Reed for Appellants UST Inc, US Tobacco Mfg Co, US Tobacco Sales, and US Tobacco Co. Certificate of service date 11/26/01. [00-6267] (PJE)
- 11/27/2001 89 CAUSE ARGUED on 11/27/01 by Ernest Gellhorn for Appellant UST Inc, Appellant US Tobacco Mfg Co, Appellant US Tobacco Sales, Appellant US Tobacco Co, Mark C. Hansen for Appellee Conwood Sales Co, Appellee Conwood Co LP before Judges Clay, Gilman, Edgar. [00-6267] (f)
- 01/18/2002 90 ADDITIONAL CITATION filed by Mark C. Hansen for Appellees Conwood Sales Co, Conwood Co LP. Certificate of service date 1/17/02 [00-6267] (MCP)
- 01/22/2002 92 ADDITIONAL CITATION filed by Lynn K. Fieldhouse for Appellants UST Inc, US Tobacco Mfg Co, US Tobacco Sales, US Tobacco Co. Certificate of service date 1/18/02 [00-6267] (MCP)
- 01/23/2002 94 ADDITIONAL CITATION filed by Neil M. Gorsuch for Appellees Conwood Sales Co, Conwood Co LP. Certificate of service date 1/22/02 [00-6267] (MCP)
- 01/23/2002 95 Appellant RESPONSE filed to appellees additional citations letter of 1/17/2002 [2489778]. Response from John S. Reed for Appellants UST Inc, US Tobacco Mfg Co, US Tobacco Sales, US Tobacco Co . Certificate of service date 1/22/02 . [00-6267] (MCP)
- 02/27/2002 97 Update of ADDITIONAL CITATION filed, to the previously filed citation of 1/22/02, updated citation filed by Lynn K. Fieldhouse for Appellants UST Inc, US Tobacco Mfg Co, US Tobacco Sales, US Tobacco Co. Certificate of service date 2/26/02 [00-6267] (MCP)
- 05/06/2002 99 ADDITIONAL CITATION filed by Neal R. Stoll for Appellants UST Inc, US Tobacco Mfg Co, US Tobacco Sales, US Tobacco Co. Certificate of service date 5/3/02 [00-6267] (MCP)
- 05/14/2002 101 ADDITIONAL CITATION filed by Mark C. Hansen for Appellees Conwood Sales Co, Conwood Co LP. Certificate of service date 5/13/02 [00-6267] (MCP)
- 05/15/2002 103 OPINION filed : AFFIRM, decision for publication pursuant to local rule 206 [00-6267]. Eric L. Clay, Authoring Judge, Ronald L. Gilman, Circuit Judge, R. A. Edgar, Chief District Judge. (MCP)
- 05/15/2002 104 JUDGMENT : The judgment of the district court is AFFIRMED. (MCP)
- 05/29/2002 108 Appellee MOTION filed for Attorneys' fees and costs (exhibits placed in volume 2 of the office file). Motion filed by Michael J. Guzman for Appellees Conwood Sales Co, Conwood Co LP. Certificate of service date 5/29/02 . [00-6267] (MCP)
- 05/29/2002 109 PETITION for en banc rehearing filed by John S. Reed for Appellants UST Inc, US Tobacco Mfg Co, US Tobacco Sales, US Tobacco Co. Certificate of service date 5/29/02. [00-6267] (BLH)
- 05/30/2002 107 APPEARANCE filed by Attorney Michael J. Guzman for Appellees Conwood Sales Co, Conwood Co LP [00-6267] (MCP)

- 06/11/2002 111 Appellant RESPONSE in opposition filed regarding a motion for attorney fees and costs [108] previously filed by Michael J. Guzman. Otherwise, the court should remand that motion to the District Court with instructions that any proceedings and final determination be stayed until a decision is rendered in appeal no. 01-6545. Response from John S. Reed for Appellants UST Inc, US Tobacco Mfg Co, US Tobacco Sales, US Tobacco Co. Certificate of service date 6/11/02 . [00-6267] (MCP)
- 06/19/2002 113 Appellee MOTION filed for extension of time to file the reply in support of plaintiffs' motion for attorneys' fees and costs until 6/27/2002. Defendants-appellants have authorized Conwood to state that defendants-appellants do not oppose this motion. [113] . Motion filed by Michael Guzman for Appellees Conwood Sales Co, Conwood Co LP. Certificate of service date 6/18/02 . [00-6267] (MCP)
- 06/21/2002 115 LETTER SENT by mcp granting motion for extension of time to file a reply in support of motion for attorneys' fees and costs, [113] motion filed by Michael J. Guzman. Reply must filed received by 6/27/2002. [00-6267] (MCP)
- 06/27/2002 117 Appellee REPLY to the appellants' response to the motion to recover costs [108]. Response from Michael J. Guzman for Appellee Conwood Sales Co, Appellee Conwood Co LP. Certificate of service date 6/27/02 [00-6267] (YH)
- 07/19/2002 119 ORDER filed denying petition for en banc rehearing [109] filed by John S. Reed [00-6267]. Eric L. Clay, Ronald L. Gilman, Circuit Judges; R. A. Edgar, District Judge. (BLH)
- 07/26/2002 122 Appellant MOTION filed to stay mandate. Motion filed by John S. Reed for Appellant UST Inc, Appellant US Tobacco Mfg Co, Appellant US Tobacco Sales, Appellant US Tobacco Co. Certificate of service date 7/26/02 [00-6267] (YH)
- 08/01/2002 126 Joint MOTION filed to withdraw opposition to attorney fees and costs request and consent to entry of order [126] Motion filed by John S. Reed for Appellant UST Inc, US Tobacco Mfg Co, US Tobacco Sales, US Tobacco Co. and by appellees, Conwood Company, L.P and Conwood Sales Company. [00-6267] (YH)
- 08/09/2002 130 Appellee partial consent filed to motion appellant's motion for a stay of mandate mandate [122] previously filed by John S. Reed . Response from Michael J. Guzman for Appellee Conwood Sales Co, Appellee Conwood Co LP. Certificate of service date 8/8/02 [00-6267] (MCP)
- 08/14/2002 132 ORDER filed granting motion to stay mandate [122] filed by John S. Reed. [00-6267] Eric L. Clay, Circuit Judge, Ronald L. Gilman, Circuit Judge, R. A. Edgar, District Judge. (MCP)
- 08/15/2002 133 ORDER filed granting agreed motion to withdraw opposition to motion for attorneys' fees and costs and joint consent to entry of awarded attorney fees [126]. [00-6267] Eric L. Clay, Circuit Judge, Ronald L. Gilman, Circuit Judge, R. A. Edgar, District Judge. (MCP)
- 08/15/2002 135 LETTER SENT TO district court by mcp sending a certified copy of order filed 8/15/02 . [00-6267] (MCP)
- 10/28/2002 139 U.S. Supreme Court notice filed regarding petition for writ of certiorari, filed by Appellant US Tobacco Co, et al. . Filed in the Supreme Court on 10-17-02 , Supreme Ct. case number: 02-603 . [00-6267] (SWH)
- 01/22/2003 143 U.S. Supreme Court letter filed: motion by Washington Legal Foundation, et al. to file as amicus curiae is granted and petition for writ of certiorari [139] filed by US Tobacco Co is denied. [00-6267] . Filed in the Supreme Court on 01-13-03 . (SWH)
- 01/28/2003 144 MANDATE ISSUED with no cost taxed [00-6267] (MCP)

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