

General Docket
United States Court of Appeals for the Ninth Circuit

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| Court of Appeals Docket #: 14-15000 | | Docketed: 01/02/2014 | |
| Nature of Suit: 3410 Antitrust | | Termed: 01/12/2017 | |
| Robert Pepper, et al v. Apple, Inc. | | | |
| Appeal From: U.S. District Court for Northern California, Oakland | | | |
| Fee Status: Paid | | | |
| Case Type Information: | | | |
| 1) civil | | | |
| 2) private | | | |
| 3) null | | | |
| Originating Court Information: | | | |
| District: 0971-4 : 4:11-cv-06714-YGR | | | |
| Court Reporter: Raynee Mercado | | | |
| Court Reporter: James Jonathan Yeomans, Court Reporter | | | |
| Trial Judge: Yvonne Gonzalez Rogers, District Judge | | | |
| Date Filed: 12/29/2011 | | | |
| Date Order/Judgment: | Date Order/Judgment EOD: | Date NOA Filed: | Date Rec'd COA: |
| 12/02/2013 | 12/02/2013 | 12/31/2013 | 12/31/2013 |
| Prior Cases: | | | |
| None | | | |
| Current Cases: | | | |
| None | | | |

In re: APPLE IPHONE ANTITRUST LITIGATION

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In re: APPLE IPHONE ANTITRUST LITIGATION,

ROBERT PEPPER; STEPHEN H. SCHWARTZ; EDWARD W. HAYTER; ERIC TERRELL,

Plaintiffs - Appellants,

v.

APPLE INC.,

Defendant - Appellee.

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|------------|--|--|
| 01/02/2014 | <input type="checkbox"/> 1 17 pg, 638.33 KB | DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. SEND MQ: Yes. The schedule is set as follows: Mediation Questionnaire due on 01/09/2014. Transcript ordered by 01/30/2014. Transcript due 03/03/2014. Appellants Edward W. Hayter, Robert Pepper, Stephen H. Schwartz and Eric Terrell opening brief due 04/10/2014. Appellee Apple, Inc. answering brief due 05/12/2014. Appellant's optional reply brief is due 14 days after service of the answering brief. [8921930] (RT) [Entered: 01/02/2014 09:24 AM] |
| 01/09/2014 | <input type="checkbox"/> 2 4 pg, 100.13 KB | Filed (ECF) Appellants Edward W. Hayter, Robert Pepper, Stephen H. Schwartz and Eric Terrell Mediation Questionnaire. Date of service: 01/09/2014. [8932389] (Rifkin, Mark) [Entered: 01/09/2014 05:35 PM] |
| 01/21/2014 | <input type="checkbox"/> 3 7 pg, 152.1 KB | MEDIATION CONFERENCE SCHEDULED - The court has scheduled a telephone Assessment Conference, 02/06/2014, 2:00 p.m. PACIFIC Time... The Circuit Mediator will initiate the conference call by contacting each person on the attached list. Please be available for the call at least five minutes before the scheduled time. Counsel should review the attached list and inform the Mediation Assistant by email at least 72 hours in advance of the scheduled call of any corrections to the list....The briefing schedule previously set by the court remains in effect.. [8944758] (VS) [Entered: 01/21/2014 10:00 AM] |
| 02/10/2014 | <input type="checkbox"/> 4 1 pg, 32.72 KB | Filed order MEDIATION (SL): The court has determined that this appeal will not be selected for inclusion in the Mediation Program. Counsel are requested to contact the undersigned by or email (stephen_liacouras@ca9.uscourts.gov) should circumstances develop that warrant further settlement discussions while the appeal is pending. [8972133] (HC) [Entered: 02/10/2014 10:42 AM] |
| 04/10/2014 | <input type="checkbox"/> 5 | Filed (ECF) Streamlined request for extension of time to file Opening Brief by Appellants Edward W. Hayter, Robert Pepper, Stephen H. Schwartz and Eric Terrell. New requested due date is 05/12/2014 at 11:59 pm. [9052709] (Rickert, Rachele) [Entered: 04/10/2014 10:27 AM] |
| 04/10/2014 | <input type="checkbox"/> 6 | Streamlined request [5] by Appellants Edward W. Hayter, Robert Pepper, Stephen H. Schwartz and Eric Terrell to extend time to file the brief is approved. Amended briefing schedule: Appellants Edward W. Hayter, Robert Pepper, Stephen H. Schwartz and Eric Terrell opening brief due 05/12/2014. Appellee Apple, Inc. answering brief due 06/11/2014. The optional reply brief is due 14 days from the date of service of the answering brief. [9053453] (LN) [Entered: 04/10/2014 02:14 PM] |
| 05/12/2014 | <input type="checkbox"/> 7 258 pg, 4.19 MB | Submitted (ECF) Opening Brief and excerpts of record for review. Submitted by Appellants Edward W. Hayter, Robert Pepper, Stephen H. Schwartz and Eric Terrell. Date of service: 05/12/2014. [9092295] (Rickert, Rachele) [Entered: 05/12/2014 05:16 PM] |
| 05/13/2014 | <input type="checkbox"/> 8 2 pg, 86.11 KB | Filed clerk order: The opening brief [7] submitted by Edward W. Hayter, Robert Pepper and Stephen H. Schwartz is filed. Within 7 days of the filing of this order, filer is 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. The Court has reviewed the excerpts of record [7] submitted by Edward W. Hayter, Robert Pepper and Stephen H. Schwartz. Within 7 days of this order, filer is 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. [9093179] (WWP) [Entered: 05/13/2014 11:43 AM] |
| 05/16/2014 | <input type="checkbox"/> 9 | Filed Appellants Edward W. Hayter, Robert Pepper, Stephen H. Schwartz and Eric Terrell paper copies of excerpts of record [7] in 2 volume(s). [9098732] (WWP) [Entered: 05/16/2014 11:21 AM] |
| 05/16/2014 | <input type="checkbox"/> 10 | Received 7 paper copies of Opening brief [7] filed by Edward W. Hayter, et al. [9099246] (SD) [Entered: 05/16/2014 02:13 PM] |
| 05/30/2014 | <input type="checkbox"/> 11 | Filed (ECF) Streamlined request for extension of time to file Answering Brief by Appellee Apple, Inc.. New requested due date is 07/11/2014 at 11:59 pm. [9113865] (Yates, Christopher) [Entered: 05/30/2014 10:10 AM] |
| 05/30/2014 | <input type="checkbox"/> 12 | Streamlined request [11] by Appellee Apple, Inc. to extend time to file the brief is approved. Amended briefing schedule: Appellee Apple, Inc. answering brief due 07/11/2014. The optional reply brief is due 14 days from the date of service of the answering brief. [9114126] (LN) [Entered: 05/30/2014 11:33 AM] |
| 07/10/2014 | <input type="checkbox"/> 13 2 pg, 13.64 KB | Filed (ECF) notice of appearance of J. Scott Ballenger for Appellee Apple, Inc.. Date of service: 07/10/2014. [9163140] (Ballenger, J.) [Entered: 07/10/2014 09:01 AM] |
| 07/10/2014 | <input type="checkbox"/> 14 | Added attorney J. Scott Ballenger for Apple, Inc., in case 14-15000. [9163151] (EL) [Entered: 07/10/2014 09:03 AM] |
| 07/11/2014 | <input type="checkbox"/> 15 153 pg, 4.47 MB | Submitted (ECF) Answering Brief and supplemental excerpts of record for review. Submitted by Appellee Apple, Inc.. Date of service: 07/11/2014. [9166529] (Wall, Daniel) [Entered: 07/11/2014 04:41 PM] |
| 07/11/2014 | <input type="checkbox"/> 16 48 pg, 1.57 MB | Filed (ECF) Appellee Apple, Inc. Motion to take judicial notice of. Date of service: 07/11/2014. [9166553] (Wall, Daniel) [Entered: 07/11/2014 04:47 PM] |

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| 07/14/2014 | <input type="checkbox"/> 17 | Filed clerk order: The answering brief [15] submitted by Apple, Inc. is filed. Within 7 days of the filing of this order, filer is 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 [15] submitted by Apple, Inc.. Within 7 days of this order, filer is 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. [9167135] (WWP) [Entered: 07/14/2014 10:38 AM] |
| 07/14/2014 | <input type="checkbox"/> 18 | Received 7 paper copies of Answering brief [15] filed by Apple, Inc.. [9168197] (SD) [Entered: 07/14/2014 03:44 PM] |
| 07/14/2014 | <input type="checkbox"/> 19 | Filed Appellee Apple, Inc. paper copies of excerpts of record [15] in 1 volume. [9168688] (WWP) [Entered: 07/15/2014 07:12 AM] |
| 07/21/2014 | <input type="checkbox"/> 20 | Filed (ECF) Streamlined request for extension of time to file Reply Brief by Appellants Edward W. Hayter, Robert Pepper, Stephen H. Schwartz and Eric Terrell. New requested due date is 08/25/2014 at 11:59 pm. [9175916] (Rickert, Rachele) [Entered: 07/21/2014 01:58 PM] |
| 07/21/2014 | <input type="checkbox"/> 21 | Streamlined request [20] by Appellants Edward W. Hayter, Robert Pepper, Stephen H. Schwartz and Eric Terrell to extend time to file the brief is approved. Amended briefing schedule: the optional reply brief is due 8/25/14. [9176026] (LN) [Entered: 07/21/2014 02:39 PM] |
| 08/25/2014 | <input type="checkbox"/> 22 | Submitted (ECF) Reply Brief for review. Submitted by Appellants Edward W. Hayter, Robert Pepper, Stephen H. Schwartz and Eric Terrell. Date of service: 08/25/2014. [9218285] (Rickert, Rachele) [Entered: 08/25/2014 04:43 PM] |
| 08/25/2014 | <input type="checkbox"/> 23 | Filed (ECF) Appellants Edward W. Hayter, Robert Pepper, Stephen H. Schwartz and Eric Terrell response opposing motion (,motion to take judicial notice). Date of service: 08/25/2014. [9218303] (Rickert, Rachele) [Entered: 08/25/2014 04:47 PM] |
| 08/28/2014 | <input type="checkbox"/> 24 | Filed clerk order: The reply brief [22] submitted by Edward W. Hayter, Robert Pepper, Stephen H. Schwartz and Eric Terrell is filed. Within 7 days of the filing of this order, filer is 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: gray. 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. [9222326] (WWP) [Entered: 08/28/2014 10:37 AM] |
| 09/02/2014 | <input type="checkbox"/> 25 | Received 7 paper copies of Reply brief [22] filed by Edward W. Hayter, et al. [9225407] (SD) [Entered: 09/02/2014 11:10 AM] |
| 09/02/2014 | <input type="checkbox"/> 26 | Filed (ECF) Appellee Apple, Inc. reply to response (,motion to take judicial notice,). Date of service: 09/02/2014. [9226064] (Wall, Daniel) [Entered: 09/02/2014 04:02 PM] |
| 10/22/2015 | <input type="checkbox"/> 27 | This case is being considered for the February 2016 oral argument calendar. The exact date of your oral argument has not been determined at this time. The following is a link to the upcoming court sessions: http://cdn.ca9.uscourts.gov/datastore/uploads/calendar/sitdates_2016.pdf . Please review these upcoming dates <i>immediately</i> to determine if you have any conflicts with them. If you do have conflicts, please inform the Court within 7 days of this notice by sending a letter to the Court using CM/ECF (Type of Document: File Correspondence to Court; Subject: regarding availability for oral argument). The Court discourages motions to continue after this 7-day period. The clerk's office takes conflict dates into consideration in scheduling oral arguments but cannot guarantee that every request will be honored. Your case will be assigned to a calendar approximately 10 weeks before the scheduled oral argument date. In addition, if parties are discussing settlement or would like to discuss settlement before argument, they should contact the mediation unit immediately (ca09_mediation@ca9.uscourts.gov). Once the case is calendared, it is unlikely that the court will postpone argument for settlement discussions. [9729751] (AW) [Entered: 10/22/2015 07:18 PM] |
| 12/30/2015 | <input type="checkbox"/> 28 | Notice of Oral Argument on Wednesday, February 10, 2016 - 09:00 A.M. - Courtroom 4 - James R Browning US Ctse, 95 7th St, San Francisco, 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: SAN FRANCISCO Office. [9810610] (GEV) [Entered: 12/30/2015 03:16 PM] |
| 02/01/2016 | <input type="checkbox"/> 29 | Filed (ECF) Acknowledgment of hearing notice. Location: San Francisco. Filed by Attorney Mr. Daniel Murray Wall, Esquire for Appellee Apple Inc.. [9848919] [14-15000] (Wall, Daniel) [Entered: 02/01/2016 12:47 PM] |

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| 02/02/2016 | <input type="checkbox"/> 30 1 pg, 77.14 KB | Filed (ECF) Acknowledgment of hearing notice. Location: San Francisco. Filed by Attorney Mark C. Rifkin for Appellants Edward W. Hayter, Robert Pepper, Stephen H. Schwartz and Eric Terrell. [9850680] [14-15000] (Rifkin, Mark) [Entered: 02/02/2016 10:40 AM] |
| 02/10/2016 | <input type="checkbox"/> 31 | ARGUED AND SUBMITTED TO A. WALLACE TASHIMA, WILLIAM A. FLETCHER and ROBERT W. GETTLEMAN. [9861584] (TLH) [Entered: 02/10/2016 02:54 PM] |
| 01/12/2017 | <input type="checkbox"/> 32 1 pg, 38.37 KB | Filed order (A. WALLACE TASHIMA, WILLIAM A. FLETCHER and ROBERT W. GETTLEMAN) Appellee Apple, Inc.'s motion to take judicial notice dated July 11, 2014, is DENIED. [10263236] (PH) [Entered: 01/12/2017 09:08 AM] |
| 01/12/2017 | <input type="checkbox"/> 33 28 pg, 265.11 KB | FILED OPINION (A. WALLACE TASHIMA, WILLIAM A. FLETCHER and ROBERT W. GETTLEMAN) REVERSED AND REMANDED. Judge: AWT , Judge: WAF Authoring, Judge: RWG . FILED AND ENTERED JUDGMENT. [10263240] (PH) [Entered: 01/12/2017 09:12 AM] |
| 01/26/2017 | <input type="checkbox"/> 34 4 pg, 52.64 KB | Filed (ECF) Appellants Edward W. Hayter, Robert Pepper, Stephen H. Schwartz and Eric Terrell bill of costs (Form 10) in the amount of \$686.70 USD. Date of service: 01/26/2017 [10281682] [14-15000] (Rickert, Rachele) [Entered: 01/26/2017 02:38 PM] |
| 01/26/2017 | <input type="checkbox"/> 35 48 pg, 227.35 KB | Filed (ECF) Appellee Apple Inc. petition for panel rehearing and petition for rehearing en banc (from 01/12/2017 opinion). Date of service: 01/26/2017. [10282274] [14-15000] (Wall, Daniel) [Entered: 01/26/2017 06:24 PM] |
| 02/07/2017 | <input type="checkbox"/> 36 2 pg, 33.62 KB | Filed order (A. WALLACE TASHIMA, WILLIAM A. FLETCHER and ROBERT W. GETTLEMAN): Plaintiffs-Appellants are directed to file a response to Apple's Petition for Rehearing and Rehearing En Banc filed with this court on January 26, 2017. The response shall not exceed fifteen pages or 4200 words, and shall be filed within 21 days of the date of this order. [10304859] (AF) [Entered: 02/07/2017 08:25 AM] |
| 02/28/2017 | <input type="checkbox"/> 37 | COURT DELETED INCORRECT ENTRY. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: 38 . Original Text: Filed (ECF) Appellants Robert Pepper, Stephen H. Schwartz, Eric Terrell and Edward W. Hayter response opposing motion ((35) Combo PFR Panel and En Banc (ECF Filing), 35) Combo PFR Panel and En Banc (ECF Filing) for panel and en banc rehearing, 35 for panel and en banc rehearing (statistical entry)). Date of service: 02/28/2017. [10336844] [14-15000] (Rickert, Rachele) [Entered: 02/28/2017 02:51 PM] |
| 02/28/2017 | <input type="checkbox"/> 38 23 pg, 56.96 KB | Filed (ECF) Appellants Edward W. Hayter, Robert Pepper, Stephen H. Schwartz and Eric Terrell response to Combo PFR Panel and En Banc (ECF Filing) , Combo PFR Panel and En Banc (ECF Filing) for panel and en banc rehearing. Date of service: 02/28/2017. [10336910].--[COURT ENTERED FILING to correct entry [37].] (SLM) [Entered: 02/28/2017 03:07 PM] |
| 05/04/2017 | <input type="checkbox"/> 39 2 pg, 40.01 KB | Filed order (A. WALLACE TASHIMA, WILLIAM A. FLETCHER and ROBERT W. GETTLEMAN): The panel has voted unanimously to deny the petition for rehearing. Judge Fletcher has voted to deny the petition for rehearing en banc, and Judges Tashima and Gettleman so recommend. The full court has been advised of the petition for rehearing en banc and no judge of the court has requested a vote on whether to rehear the matter en banc. Fed. R. App. P. 35. The petition for rehearing and the petition for rehearing en banc, filed January 26, 2017, are DENIED. [10421696] (AF) [Entered: 05/04/2017 09:59 AM] |
| 05/12/2017 | <input type="checkbox"/> 40 1 pg, 183.37 KB | MANDATE ISSUED.(AWT, WAF and RWG) [10431960] (CW) [Entered: 05/12/2017 08:56 AM] |
| 08/08/2017 | <input type="checkbox"/> 41 1 pg, 52.27 KB | Supreme Court Case Info Case number: 17-204 Filed on: 08/02/2017 Cert Petition Action 1: Pending [10537109] (RR) [Entered: 08/08/2017 12:51 PM] |

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