

**General Docket**  
**United States Court of Appeals for the Fifth Circuit**

**Court of Appeals Docket #:** 18-30245

**Docketed:** 02/21/2018

**Nature of Suit:** 3410 Antitrust

**Termed:** 01/04/2019

Clean Water Opportunities, Inc v. The Willamette Valley Company

**Appeal From:** Middle District of Louisiana, Baton Rouge

**Fee Status:** Fee Paid

**Case Type Information:**

- 1) Private Civil Federal
- 2) Private
- 3)

**Originating Court Information:**

**District:** 053N-3 : 3:16-CV-227

**Originating Judge:** John W. deGravelles, U.S. District Judge

**Date Filed:** 04/11/2016

**Date NOA Filed:**

02/21/2018

**Date Rec'd COA:**

02/21/2018

**Prior Cases:**

None

**Current Cases:**

None

**Panel Assignment:**

**Panel:** CES CDK PRO

**Date of Hearing:** 12/05/2018

**Date of Decision:** 01/04/2019

**Date Completed:** 01/04/2019

CLEAN WATER OPPORTUNITIES, INCORPORATED, doing  
business as Engineered Polyurethane Patching Systems  
Plaintiff - Appellant

Joseph R. Ward, Jr., Esq.  
Direct: 985-871-5223  
Email: jward@wardandcondrey.com  
Fax: 985-871-5234  
[COR LD NTC Retained]  
Ward & Condrey, L.L.C.  
Suite 200  
409 E. Boston Street  
Covington, LA 70433

Stacy R. Palowsky, Esq.  
Direct: 985-276-4940  
Email: spalowsky@palowsky-law.com  
[COR NTC Retained]  
Palowsky Law, L.L.C.  
140 Tomahawk Lane  
Covington, LA 70435

v.

WILLAMETTE VALLEY COMPANY  
Defendant - Appellee

Bradley Charles Myers, Esq.  
Direct: 225-387-0999  
Email: brad.myers@keanmiller.com  
Fax: 225-388-9133  
[COR LD NTC Retained]  
Kean Miller, L.L.P.  
Suite 700  
400 Convention Street  
II City Plaza  
Baton Rouge, LA 70802

Katie Deranger Bell  
Direct: 225-387-0999  
Email: katie.bell@keanmiller.com  
Fax: 225-215-4061  
[COR NTC Retained]  
Kean Miller, L.L.P.  
Suite 700

400 Convention Street  
II City Plaza  
Baton Rouge, LA 70802

Robert Nathan Hochman  
Direct: 312-853-7000  
Email: rhochman@sidley.com  
Fax: 312-853-7036  
[COR NTC Retained]  
Sidley Austin, L.L.P.  
1 S. Dearborn Street  
Chicago, IL 60603

Amanda Starer Norton  
Direct: 202-736-8578  
Email: anorton@sidley.com  
Fax: 202-736-8711  
[COR NTC Retained]  
Sidley Austin, L.L.P.  
1501 K Street, N.W.  
Washington, DC 20005

John W. Treece  
Direct: 312-853-2937  
Email: jtreece@sidley.com  
[COR NTC Retained]  
Sidley Austin, L.L.P.  
1 S. Dearborn Street  
Chicago, IL 60603



































CLEAN WATER OPPORTUNITIES, INCORPORATED, doing business as Engineered Polyurethane Patching Systems,

Plaintiff - Appellant

























v.

THE WILLAMETTE VALLEY COMPANY,


Defendant - Appellee

02/21/2018	 	PRIVATE CIVIL FEDERAL CASE docketed. NOA filed by Appellant Clean Water Opportunities, Incorporated [18-30245] (MAS) [Entered: 02/21/2018 01:00 PM]
02/26/2018	 	INITIAL CASE CHECK by Attorney Advisor complete, Action: Case OK to Process. [8712504-2] Initial AA Check Due satisfied. [18-30245] (MAS) [Entered: 02/26/2018 06:05 PM]
02/26/2018		ELECTRONIC RECORD ON APPEAL REQUESTED FROM DISTRICT COURT for 3:16-CV-227. Electronic ROA due on 03/13/2018. [18-30245] (MAS) [Entered: 02/26/2018 06:08 PM]
02/27/2018	 	APPEARANCE FORM received from Mr. Joseph R. Ward, Jr., Esq. for Clean Water Opportunities, Incorporated for the court's review. Lead Counsel? Yes. [18-30245] (Joseph R. Ward Jr.) [Entered: 02/27/2018 11:05 AM]
02/27/2018	 	APPEARANCE FORM received from Mr. Bradley Charles Myers, Esq. for Willamette Valley Company for the court's review. Lead Counsel? Yes. [18-30245] (Bradley Charles Myers ) [Entered: 02/27/2018 02:49 PM]
02/27/2018	 	APPEARANCE FORM for <i>Katie D. Bell</i> for the court's review. Lead Counsel? No. [18-30245] (Katie Deranger Bell ) [Entered: 02/27/2018 03:38 PM]
02/27/2018	 	APPEARANCE FORM received from Ms. Stacy R. Palowsky, Esq. for Clean Water Opportunities, Incorporated for the court's review. Lead Counsel? No. [18-30245] (Stacy R. Palowsky ) [Entered: 02/27/2018 06:08 PM]
03/01/2018		APPEARANCE FORM FILED by Attorney Joseph R. Ward Jr. for Appellant Clean Water Opportunities, Incorporated in 18-30245 [18-30245] (RLL) [Entered: 03/01/2018 11:16 AM]
03/01/2018		APPEARANCE FORM FILED by Attorney Bradley Charles Myers for Appellee Willamette Valley Company in 18-30245 [18-30245] (RLL) [Entered: 03/01/2018 11:17 AM]
03/01/2018		APPEARANCE FORM FILED by Attorney(s) Katie Deranger Bell for party(s) Appellee Willamette Valley Company, in case 18-30245 [18-30245] (RLL) [Entered: 03/01/2018 11:19 AM]
03/01/2018		APPEARANCE FORM FILED by Attorney Stacy R. Palowsky for Appellant Clean Water Opportunities, Incorporated in 18-30245 [18-30245] (RLL) [Entered: 03/01/2018 11:20 AM]
03/01/2018		ELECTRONIC RECORD ON APPEAL FILED. Exhibits on File in District Court? No. Electronic ROA deadline satisfied. [18-30245] (DDL) [Entered: 03/01/2018 03:05 PM]
03/01/2018	 	BRIEFING NOTICE ISSUED A/Pet's Brief Due on 04/10/2018 for Appellant Clean Water Opportunities, Incorporated. [18-30245] (DDL) [Entered: 03/01/2018 03:06 PM]
03/12/2018	 	APPEARANCE FORM of <i>Robert N. Hochman</i> for the court's review. Lead Counsel? No. [18-30245] (Robert Nathan Hochman ) [Entered: 03/12/2018 04:32 PM]
03/13/2018	 	Attorney Robert N.Hochman is advised to resubmit an appearance form using the correct short title. [18-30245] (LBM) [Entered: 03/13/2018 01:23 PM]
03/13/2018	 	APPEARANCE FORM of <i>Robert N. Hochman</i> for the court's review. Lead Counsel? No. [18-30245] (Robert Nathan Hochman ) [Entered: 03/13/2018 02:02 PM]
03/14/2018		APPEARANCE FORM FILED by Attorney(s) Robert Nathan Hochman for party(s) Appellee Willamette Valley Company, in case 18-30245 [18-30245] (RLL) [Entered: 03/14/2018 02:33 PM]
03/22/2018	 	APPEARANCE FORM for the court's review. Lead Counsel? No. [18-30245] (Amanda Starer Norton ) [Entered: 03/22/2018 05:36 PM]
03/23/2018	 	APPEARANCE FORM received from Mr. John W. Treece for Willamette Valley Company for the court's review. Lead Counsel? No. [18-30245] (John W. Treece ) [Entered: 03/23/2018 12:11 PM]
03/27/2018		APPEARANCE FORM FILED by Attorney(s) Amanda Starer Norton for party(s) Appellee Willamette Valley Company, in case 18-30245 [18-30245] (RLL) [Entered: 03/27/2018 12:37 PM]
03/27/2018		APPEARANCE FORM FILED by Attorney(s) John W. Treece for party(s) Appellee Willamette Valley Company, in case 18-30245 [18-30245] (RLL) [Entered: 03/27/2018 12:39 PM]
04/10/2018	 	SUFFICIENT APPELLANT'S BRIEF FILED. # of Copies Provided: 0. Sufficient Brief deadline satisfied. Paper Copies of Brief due on 04/16/2018 for Appellant Clean Water Opportunities, Incorporated. [18-30245] REVIEWED AND/OR EDITED - The original text prior to review appeared as follows: APPELLANT'S BRIEF FILED. Brief NOT Sufficient as it requires a corrected cover. Additionally the brief requires: corrected citations to the record - id. is not acceptable. # of Copies Provided: 0. A/Pet's Brief deadline satisfied. Sufficient Brief due on 04/24/2018 for Appellant Clean Water Opportunities, Incorporated. Appellee's Brief due on 05/10/2018 for Appellee Willamette Valley Company [18-30245] REVIEWED AND/OR EDITED - The original text prior to review appeared as follows: APPELLANT'S BRIEF FILED by Clean Water Opportunities, Incorporated. Date of service: 04/10/2018 via email - Attorney



for Appellants: Palowsky, Ward; Attorney for Appellees: Bell, Hochman, Myers, Norton, Treece [18-30245] (Joseph R. Ward Jr.) [Entered: 04/10/2018 11:34 AM]

- 04/10/2018   42 pg, 572.42 KB SUFFICIENT RECORD EXCERPTS FILED. # of Copies Provided: 0. Sufficient Record Excerpts deadline satisfied. Paper Copies of Record Excerpts due on 04/16/2018 for Appellant Clean Water Opportunities, Incorporated. [18-30245] REVIEWED AND/OR EDITED - The original text prior to review appeared as follows: RECORD EXCERPTS FILED. Record Excerpts NOT Sufficient as they require a corrected cover. # of Copies Provided: 0. Sufficient Record Excerpts due on 04/24/2018 for Appellant Clean Water Opportunities, Incorporated [18-30245] REVIEWED AND/OR EDITED - The original text prior to review appeared as follows: RECORD EXCERPTS FILED by Appellant Clean Water Opportunities, Incorporated. Date of service: 04/10/2018 via email - Attorney for Appellants: Palowsky, Ward; Attorney for Appellees: Bell, Hochman, Myers, Norton, Treece [18-30245] (Joseph R. Ward Jr.) [Entered: 04/10/2018 11:53 AM]
- 04/10/2018   0 pg, 0 KB PROPOSED SUFFICIENT BRIEF filed by Appellant Clean Water Opportunities, Incorporated in 18-30245 [8746973-2] Date of service: 04/10/2018 via email - Attorney for Appellants: Palowsky, Ward; Attorney for Appellees: Bell, Hochman, Myers, Norton, Treece [18-30245] (Joseph R. Ward Jr.) [Entered: 04/10/2018 02:48 PM]
- 04/10/2018   0 pg, 0 KB PROPOSED SUFFICIENT RECORD EXCERPTS filed by Appellant Clean Water Opportunities, Incorporated in 18-30245 [8747010-2] Date of service: 04/10/2018 via email - Attorney for Appellants: Palowsky, Ward; Attorney for Appellees: Bell, Hochman, Myers, Norton, Treece [18-30245] (Joseph R. Ward Jr.) [Entered: 04/10/2018 02:50 PM]
- 04/13/2018  Paper copies of Appellant Brief filed by Appellant Clean Water Opportunities, Incorporated in 18-30245 received. Paper copies match electronic version of document? Yes # of Copies Provided: 7. Paper Copies of Brief due deadline satisfied. [18-30245] (PFT) [Entered: 04/18/2018 03:34 PM]
- 04/13/2018  Paper copies of Record Excerpts filed by Appellant Clean Water Opportunities, Incorporated in 18-30245 received. Paper copies match electronic version of document? Yes # of Copies Provided: 4. Paper Copies of Record Excerpts due deadline satisfied. [18-30245] (PFT) [Entered: 04/18/2018 04:04 PM]
- 04/18/2018   2 pg, 582.15 KB UNOPPOSED LEVEL 1 EXTENSION REQUESTED by Appellee Willamette Valley Company for filing Original Brief until 05/24/2018 at 05:30 pm. [18-30245] (Bradley Charles Myers ) [Entered: 04/18/2018 03:30 PM]
- 04/18/2018  EXTENSION RECEIVED for Appellee Willamette Valley Company. Extension Granted to and including 05/24/2018. E/Res's Brief deadline updated to 05/24/2018 for Appellee Willamette Valley Company. [18-30245] (RLL) [Entered: 04/18/2018 04:10 PM]
- 05/24/2018   58 pg, 528.43 KB SUFFICIENT APPELLEE'S BRIEF FILED. # of Copies Provided: 0. Sufficient Brief deadline satisfied. Paper Copies of Brief due on 06/04/2018 for Appellee Willamette Valley Company. [18-30245] REVIEWED AND/OR EDITED - The original text prior to review appeared as follows: APPELLEE'S BRIEF FILED. Brief NOT Sufficient as it requires statement of issues must be double-spaced. Instructions to Attorney: PLEASE READ THE ATTACHED NOTICE FOR INSTRUCTIONS ON HOW TO REMEDY THE DEFAULT. # of Copies Provided: 0. E/Res's Brief deadline satisfied. Sufficient Brief due on 06/08/2018 for Appellee Willamette Valley Company.. Reply Brief due on 06/07/2018 for Appellant Clean Water Opportunities, Incorporated [18-30245] REVIEWED AND/OR EDITED - The original text prior to review appeared as follows: APPELLEE'S BRIEF FILED by Willamette Valley Company. Date of service: 05/24/2018 via email - Attorney for Appellants: Palowsky, Ward; Attorney for Appellees: Bell, Hochman, Myers, Norton, Treece [18-30245]--[Edited 05/25/2018 by RLL] (Robert Nathan Hochman ) [Entered: 05/24/2018 11:17 AM]
- 05/25/2018   0 pg, 0 KB PROPOSED SUFFICIENT BRIEF filed by Appellee Willamette Valley Company in 18-30245 [8784418-2] Date of service: 05/25/2018 via email - Attorney for Appellants: Palowsky, Ward; Attorney for Appellees: Bell, Hochman, Myers, Norton, Treece [18-30245] (Robert Nathan Hochman ) [Entered: 05/25/2018 05:10 PM]
- 05/31/2018  Paper copies of Appellee Brief filed by Appellee Willamette Valley Company in 18-30245 received. Paper copies match electronic version of document? Yes # of Copies Provided: 7. Paper Copies of Brief due deadline satisfied. [18-30245] (SBS) [Entered: 06/04/2018 11:33 AM]
- 06/13/2018  BRIEFING COMPLETE.Reply Brief deadline canceled [18-30245] (RLL) [Entered: 06/13/2018 08:37 AM]
- 06/14/2018  PAPER RECORD ON APPEAL AND ANY EXHIBITS REQUESTED FROM DISTRICT COURT for 3:16-CV-227. ROA due on 06/19/2018 [18-30245] (KMP) [Entered: 06/14/2018 02:08 PM]
- 06/18/2018  RECORD ON APPEAL FILED. Electronic Pleadings, 2; ROA deadline satisfied. [18-30245] (MRB) [Entered: 06/18/2018 03:16 PM]
- 09/05/2018   2 pg, 155.08 KB CASE TENTATIVELY calendared for oral argument for the week of 11/05/2018. [18-30245] (GAM) [Entered: 09/05/2018 04:12 PM]
- 09/06/2018   2 pg, 156.03 KB TENTATIVE CALENDAR changed from week of 11/05/2018 to week of 12/03/2018. With Argument? Yes. [18-30245] (GAM) [Entered: 09/06/2018 08:40 AM]
- 10/17/2018  CASE CALENDARED for oral argument on Wednesday, 12/05/2018 in New Orleans in the West

Courtroom -- AM session. In accordance with our policy, lead counsel only will receive via email at a later date a copy of the court's docket and an acknowledgment form. All other counsel of record should monitor the court's website for the posting of the oral argument calendars.. [18-30245] (KMP) [Entered: 10/17/2018 10:00 AM]



12/05/2018 

ORAL ARGUMENT HEARD before Judges Stewart, King, Owen. Arguing Person Information Updated for: Robert Nathan Hochman arguing for Appellee Willamette Valley Company; Arguing Person Information Updated for: Joseph R. Ward, Jr. arguing for Appellant Incorporated Clean Water Opportunities [18-30245] (KMP) [Entered: 12/05/2018 11:20 AM]

01/04/2019  

11 pg, 258.26 KB

UNPUBLISHED OPINION FILED. [18-30245 Affirmed ] Judge: CES , Judge: CDK , Judge: PRO. Mandate issue date is 01/28/2019 [18-30245] (NFD) [Entered: 01/04/2019 12:13 PM]

01/04/2019  

1 pg, 37.53 KB

JUDGMENT ENTERED AND FILED. Costs Taxed Against: Plaintiff-Appellant. [18-30245] (NFD) [Entered: 01/04/2019 12:17 PM]

Clear All

- Documents and Docket Summary
- Documents Only

Include Page Numbers

Selected Pages:  Selected Size:

Totals reflect accessible documents only and do not include unauthorized restricted documents.

View Selected

---