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General Docket
United States Court of Appeals for the Sixth Circuit

Court of Appeals Docket #: 03-1521 **Docketed:** 05/02/2003
Nature of Suit: 3410 Antitrust **Termed:** 11/09/2005
 Spirit Airlines v. NW Airlines Inc
Appeal From: Eastern District of Michigan at Detroit

Case Type Information:

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

Originating Court Information:

District: 0645-2 : [00-71535](#)
Court Reporter: Carol Shell Sapala
Trial Judge: Gerald E. Rosen, U.S. District Judge
Date Filed: 03/29/2000
Date Order/Judgment: 04/01/2003

Date NOA Filed:
04/17/2003

Prior Cases:

None

Current Cases:

None

SPIRIT AIRLINES, INC.
Plaintiff - Appellant

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v.

NORTHWEST AIRLINES, INC.
Defendant - Appellee

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SPIRIT AIRLINES, INC.,

Plaintiff - Appellant

v.

NORTHWEST AIRLINES, INC.,

Defendant - Appellee

05/02/2003 Civil Case Docketed. Notice filed by Appellant Spirit Airlines. Transcript needed: y

05/02/2003 The case manager for this case is: jts

05/02/2003 TRANSCRIPT ORDER FORM filed by William J. Blechman for Appellant Spirit Airlines: Transcript on file in district court. [03-1521] [2742031-1]

05/07/2003 Mediation Office is involved in this appeal. [03-1521]

05/07/2003 Pre-argument conference has been scheduled for June 5, 2003 at 9:30 AM with Mr. McFaul. [03-1521]

05/12/2003 BRIEFING LETTER SENT setting briefing schedule: appellant brief due 6/23/03 ; appellee brief due 7/23/03 ; appendix due 8/13/03; final briefs due 9/3/03 ; .

05/14/2003 APPEARANCE filed by Attorney James P. Denvir for Appellee NW Airlines Inc [03-1521]

05/14/2003 APPEARANCE filed by Attorney Alfred P. Levitt for Appellee NW Airlines Inc [03-1521]

05/15/2003 APPEARANCE filed by Attorney Lawrence G. Campbell for Appellee NW Airlines Inc [03-1521]

05/16/2003 APPEARANCE filed by Attorney L. Pahl Zinn for Appellee NW Airlines Inc [03-1521]

05/16/2003 APPEARANCE filed by Attorney Richard A. Arnold for Appellant Spirit Airlines [03-1521]

05/16/2003 PRE-ARGUMENT STATEMENT filed by Richard A. Arnold for Appellant Spirit Airlines [03-1521]

05/19/2003 APPEARANCE filed by Attorney Kevin J. Murray for Appellant Spirit Airlines [03-1521]

05/19/2003 APPEARANCE filed by Attorney William J. Blechman for Appellant Spirit Airlines [03-1521]

06/05/2003 Briefing Letter Sent by CONFERENCE ATTORNEY'S OFFICE resetting briefing schedule: appellant brief now due 7/2/03 ; appellee brief now due 8/1/03 ; reply brief now due 8/15/03; appendix now due 8/22/03 ; all final briefs now due 9/12/03. [03-1521] .

06/18/2003 Briefing Letter Sent by CONFERENCE ATTORNEY'S OFFICE resetting briefing schedule: appellant brief now due 7/16/03 ; appellee brief now due 8/15/03 ; reply brief now due 8/29/03; appendix now due 9/5/03 ; all final briefs now due 9/26/03. [03-1521] .

07/01/2003 Briefing Letter Sent by CONFERENCE ATTORNEY'S OFFICE resetting briefing schedule: appellant brief now due 7/30/03 ; appellee brief now due 8/29/03 ; reply brief now due 9/12/03; appendix now due 9/19/03 ; all final briefs now due 10/10/03. [03-1521] .

07/09/2003 Briefing Letter Sent by CONFERENCE ATTORNEY'S OFFICE resetting briefing schedule: appellee brief now due 9/15/03 ; reply brief now due 9/29/03; appendix now due 10/6/03 ; all final briefs now due 10/27/03 [03-1521] .

07/23/2003 Briefing Letter Sent by CONFERENCE ATTORNEY'S OFFICE resetting briefing schedule: appellant brief now due 8/15/03 ; appellee brief now due 9/15/03 ; reply brief now due 9/29/03; appendix now due 10/6/03 ; all final briefs now due 10/27/03. [03-1521] .

07/30/2003 Briefing Letter Sent by CONFERENCE ATTORNEY'S OFFICE resetting briefing schedule: appellant brief now due 8/15/03 ; appellee brief now due 9/30/03 ; reply brief now due 10/14/03; appendix now due 10/21/03 ; all final briefs now due 11/12/03. [03-1521] .

08/13/2003 Briefing Letter Sent by CONFERENCE ATTORNEY'S OFFICE resetting briefing schedule: appellant brief now due 8/29/03 ; appellee brief now due 10/16/03 ; reply brief now due 11/3/03; appendix now due 11/13/03 ; all final briefs now due 12/8/03. [03-1521] .

08/26/2003 Briefing Letter Sent by CONFERENCE ATTORNEY'S OFFICE resetting briefing schedule: appellant brief now due 9/8/03 ; appellee brief now due 10/24/03 ; reply brief now due 11/13/03; appendix now due 11/21/03 ; all final briefs now due 12/18/03. [03-1521] .

09/08/2003 PROOF BRIEF filed by Richard A. Arnold for Appellant Spirit Airlines. Certificate of service date 9/8/03 Number of Pages: 55 (13960). [03-1521]

09/08/2003 Request to require oral argument filed by Richard A. Arnold for Appellant Spirit Airlines [03-1521]

10/24/2003 PROOF BRIEF filed by James P. Denvir for Appellee NW Airlines Inc. Certificate of service date 10/24/03 . Number of Pages: 55 (13979). [03-1521]

10/24/2003 Request to require oral argument filed by James P. Denvir for Appellee NW Airlines Inc [03-1521]

11/12/2003 Appellant MOTION filed to extend time to file reply brief . Motion filed by Kevin J. Murray for Appellant Spirit Airlines. Certificate of service date 11/10/03 [03-1521]

11/12/2003 LETTER SENT by csmgr resetting briefing schedule: [03-1521] granting motion to extend time to file reply brief [2850096-1] filed by Kevin J. Murray [03-1521] reply brief now due 11/28/03; appendix now due 12/5/03 ; appellant final brief now due 1/2/04 ; appellee final brief now due 1/2/04 .

11/24/2003 Appellant MOTION filed to extend time to file reply brief . Motion filed by William J. Blechman for Appellant Spirit Airlines. Certificate of service date 11/21/03 [03-1521]

11/24/2003 LETTER SENT by csmgr resetting briefing schedule: [03-1521] granting motion to extend time to file reply brief [2856647-1] filed by William J. Blechman [03-1521] reply brief now due 12/5/03; appendix now due 12/12/03 ; appellant final brief now due 1/9/04 ; appellee final brief now due 1/9/04 .

11/25/2003 Appellee RESPONSE in opposition filed regarding appellant's motion to extend deadline for Reply Brief . Response from Alfred P. Levitt for Appellee NW Airlines Inc. Certificate of service date 11/24/03 [03-1521]

11/25/2003 Appellee MOTION filed requesting the court to vacate the order granting an extension of time to file the appellant's Reply Brief. . Motion filed by Alfred P. Levitt for Appellee NW Airlines Inc. Certificate of service date 11/24/03 . [03-1521] (also filed as Response in Opposition)

11/26/2003 Appellant RESPONSE filed regarding appellee's motion to vacate order extending ddl for filing Reply Brief. [2858240-1] ; previously filed by Alfred P. Levitt . Response from William J. Blechman for Appellant Spirit Airlines . Certificate of service date 11/25/03 . [03-1521]

12/08/2003 Mediation Office is no longer involved in this appeal at this time.

12/08/2003 PROOF REPLY BRIEF filed by Richard A. Arnold for Appellant Spirit Airlines Certificate of service date 12/5/03 [03-1521] Final reply brief due 1/9/04 . [03-1521] 28 PAGES (6846)

12/15/2003 APPENDIX filed by Kevin J. Murray for Appellant Spirit Airlines. Copies: 05 - 10 VOLUMES; VOL 2-10 ARE SEALED; 4361 PAGES. Certificate of service date 12/15/03 [03-1521]

01/07/2004 Appellant MOTION filed to file supplemental appendix. . Motion filed by William J. Blechman for Appellant Spirit Airlines. Certificate of service date 1/7/04 [03-1521]

01/07/2004 Appellant MOTION filed resetting briefing schedule for final briefs. Motion filed by William J. Blechman for Appellant Spirit Airlines. Certificate of service date 1/7/04 [03-1521]

01/08/2004 RULING granting motion to file supplemental appendix [2880734-1] filed by William J. Blechman [03-1521], granting motion resetting briefing schedule [2880735-1] filed by William J. Blechman (LG/jy/rgf;cm-01/08/04) [03-1521] resetting briefing schedule: [03-1521] . SUPPLEMENTAL appendix now due 1/15/04 ; FINALS: now due 1/29/04.

01/08/2004 Appellant MOTION filed to extend time to file supplemental appendix & final briefs. Motion filed by William J. Blechman for Appellant Spirit Airlines. Certificate of service date 1/7/04 [03-1521]

01/12/2004 LETTER SENT by csmgr resetting briefing schedule: [03-1521] granting motion to extend time to file supplemental appendix and final briefs [2882388-1] filed by William J. Blechman [03-1521] supplemental appendix now due 1/22/04 ; appellant final brief now due 2/5/04 ; appellee final brief now due 2/5/04 . final reply brief now due 2/5/04 ;

01/20/2004 SUPPLEMENTAL JOINT APPENDIX filed by Kevin J. Murray for Appellant Spirit Airlines. Copies: 05 - VOLUME 11 IS SEALED. Certificate of service date 1/20/04 [03-1521] SEE RULING FILED 01/12/04;

02/03/2004 FINAL BRIEF filed by James P. Denvir for Appellee NW Airlines Inc. Copies: 07. Certificate of service date 1/30/04. Number of Pages: 55 (13982). [03-1521]

02/03/2004 Request to require oral argument filed by James P. Denvir for Appellee NW Airlines Inc [03-1521]

02/04/2004 FINAL BRIEF filed by Richard A. Arnold for Appellant Spirit Airlines. Copies: 07. Certificate of service date 2/3/04 Number of Pages: 55 (13990). [03-1521]

02/04/2004 Request to require oral argument filed by Richard A. Arnold for Appellant Spirit Airlines [03-1521]

02/04/2004 FINAL REPLY BRIEF filed by Richard A. Arnold for Appellant Spirit Airlines. Copies: 07 Certificate of service date 2/3/04 Number of Pages: 31 (6934). [03-1521]

05/28/2004 Oral argument date set for August 13, 2004 in court room 607. Notice of argument sent to counsel. [03-1521]

06/17/2004 Appellant's unopposed motion to change the date for oral argument, filed. Motion filed by William J. Blechman for Appellant Spirit Airlines. Certificate of service date 6/16/04 [03-1521]

06/22/2004 Date previously set for oral argument is cancelled. [03-1521]

06/24/2004 ORDER filed granting appellant's unopposed motion to change the date for oral argument filed by William J. Blechman [03-1521] . Entered by order of the court.

07/19/2004 Oral argument date set for September 14, 2004 in court room 403. Notice of argument sent to counsel. [03-1521]

08/03/2004 Appellant MOTION filed for an additional 15 minutes per side for oral argument. Motion filed by William J. Blechman for Appellant Spirit Airlines. Certificate of service date 8/2/04 [03-1521]

08/17/2004 ORDER filed denying appellant's motion for an additional 15 minutes per side for oral argument . Entered by order of the court.

09/14/2004 CAUSE ARGUED on 9/14/04 by Richard A. Arnold for Appellant Spirit Airlines, James P. Denvir for Appellee NW Airlines Inc before Judges Moore, Clay, Haynes. [03-1521]

09/20/2005 Notice of Bankruptcy filed by James P. Denvir for Appellee NW Airlines Inc. Certificate of service date 9/19/05 [03-1521]

10/06/2005 Appellant's RESPONSE to appellee's notice of bankruptcy filed by William J. Blechman for Appellant Spirit Airlines Certificate of service date 10/6/05 . [03-1521]

10/17/2005 NOTIFICATION filed by William J. Blechman for Appellant Spirit Airlines regarding: "Notice of Filing Stipulation Regarding the Lifting Of The Stay Governing Appellee's Bankruptcy." Certificate of service date 10/17/05 [03-1521]

10/26/2005 NOTICE of filing amended stipulation and order of the Bankruptcy Court modifying the stay in Appellee's Bankruptcy to enable this Court to issue its opinion and order in this appeal filed by William J. Blechman for Appellant Spirit Airlines. Certificate of service date 10/26/05 [03-1521]

11/09/2005 OPINION filed: The judgment of the district court is REVERSED and the case is REMANDED, decision for publication pursuant to local rule 206 [03-1521]. Karen N. Moore, Circuit Judge delivered a separate concurring opinion, Eric L. Clay, Circuit Judge, William J. Haynes, Authoring Judge, U.S. District Judge for the Middle District of Tennessee.

11/09/2005 JUDGMENT : REVERSED and remanded .

11/21/2005 OPINION CORRECTION LETTER sent indicating revisions to published opinion filed 11-09-05 [03-1521]

11/22/2005 Appellant's MOTION to correct typographical entries in the court's opinion dated 11/5/5 filed by William J. Blechman for Spirit Airlines. Certificate of service date 11/21/05 [03-1521]

11/23/2005 PETITION for en banc rehearing filed by James P. Denvir for Appellee NW Airlines Inc. Certificate of service date 11/23/05. [03-1521]

12/13/2005 OPINION CORRECTION LETTER sent indicating revisions to published opinion filed 11/9/5 [03-1521]

12/15/2005 AMENDED OPINION filed amending 11/9/5 opinion and judgment of this court. REVERSE and REMAND this action for further proceedings in accordance with this opinion. Karen N. Moore, Circuit Judge delivered a separate concurring judgment, Eric L. Clay, Circuit Judge, William J. Haynes, Authoring Judge, U.S. District Judge for the Middle District of Tennessee. [03-1521]

12/15/2005 AMENDED JUDGMENT filed amending 11/9/05 judgment: REVERSED and REMANDED [03-1521]

12/15/2005 LETTER SENT by blh to James P. Denvir for Appellee NW Airlines Inc, Richard A. Arnold for Appellant Spirit Airlines notifying that the appellee is to advise the court whether petition for rehearing is to be withdrawn. Response due by 12/29/05. If it is not, the appellee will have until that date to file a memorandum of law supplementing its original petition. Should the appellant wish to seek en banc reconsideration, its petition is due by December 29, 2005 [03-1521] . .

12/15/2005 ORDER filed GRANTED in part; DENIED in part appellant's motion to correct typographical entries filed by William J. Blechman. For the parts of the motion that were denied, see Joint Appendix at 1334, 1519. [03-1521]. Entered by order of the court.

12/29/2005 MEMORANDUM OF LAW supplementing the petition for rehearing en banc. Filed by James P. Denvir for Appellee NW Airlines Inc. Certificate of service date 12/29/05. [03-1521]

01/06/2006 Roy Ford is now the case manager for this case: rgf

02/03/2006 LETTER SENT by blh to Richard A. Arnold for Appellant Spirit Airlines notifying that he is directed to respond to a petition for en banc rehearing [3277385-1] filed by James P. Denvir. Response due by 2/17/06. [03-1521] .

02/06/2006 RULING to extend time to 2/24/06 to file a response to the petition for rehearing en banc per a telephone request from William Blechman. Response to petition due by 2/24/06. James Denvir was notified by telephone this date. [03-1521]

02/27/2006 RESPONSE to a petition for en banc rehearing [3277385-1] filed by James P. Denvir. Response filed by Richard A. Arnold for Appellant Spirit Airlines. Certificate of service date 2/24/06. [03-1521]

04/13/2006 ORDER filed denying petition for en banc rehearing [3277385-1] filed by James P. Denvir [03-1521]. Karen N. Moore, Eric L. Clay, Circuit Judges; William J. Haynes, District Judge.

04/21/2006	MANDATE ISSUED with no cost taxed [03-1521]
07/25/2006	U.S. Supreme Court notice filed regarding petition for writ of certiorari filed by Appellee NW Airlines Inc . Filed in the Supreme Court on 07-17-06 , Supreme Ct. case number: 06-77 . [03-1521]
07/25/2006	U.S. Supreme Court letter filed: petition for writ of certiorari returned as out-of-time. Supreme Court No. 06-77 [3441113-1] . [03-1521]

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