

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

<b>Court of Appeals Docket #:</b> 02-56509 <b>Nature of Suit:</b> 3410 Antitrust Dagher, et al v. Saudi Refining Inc., et al <b>Appeal From:</b> U.S. District Court for Central California, Los Angeles <b>Fee Status:</b> Paid	<b>Docketed:</b> 09/06/2002 <b>Termed:</b> 10/24/2006
<b>Case Type Information:</b> 1) civil 2) private 3) null	
<b>Originating Court Information:</b> <b>District:</b> 0973-2 : <a href="#">CV-99-06114-GHK</a> <b>Court Reporter:</b> Dawn Bullock, Court Reporter <b>Trial Judge:</b> George H. King, Chief District Judge <b>Date Filed:</b> 06/15/1999 <b>Date Order/Judgment:</b> 08/14/2002	
<b>Date NOA Filed:</b> 08/30/2002	
<b>Prior Cases:</b> None	
<b>Current Cases:</b> None	

FOUAD N. DAGHER Plaintiff - Appellant,	Thomas P. Bleau, Esquire, Attorney Direct: 323-874-8613 [ <b>COR LD NTC Retained</b> ] BLEAU FOX, A. P. L. C. 580 3575 Cahuega Blvd. Los Angeles, CA 90068  John Haslet Boone, Esquire, Attorney Direct: 415-317-3001 [ <b>COR LD NTC Retained</b> ] Law Office of John H. Boone 4319 Sequoia Dr. Oakley, CA 94561  Gregory R. Merz, Esquire Direct: 612/632-3000 [ <b>COR LD NTC Retained</b> ] GRAY, PLANT, MOOTY, MOOTY & BENNETT, P.A. 500 IDS Center 80 South Eight Street Minneapolis, MN 55402  Daniel Rees Shulman, Esquire, Attorney Direct: 612-632-3335 [ <b>COR LD NTC Retained</b> ] GRAY, PLANT, MOOTY, MOOTY & BENNETT, P.A. 80 South Eight Street Minneapolis, MN 55402
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G. G&R PETROLEUM INC.  
Plaintiff - Appellant,

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H.J.F. INC.  
Plaintiff - Appellant,

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KALECO CO.  
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	[COR LD NTC Retained] (see above)
SAMI MERHI, EDGARDO R. PARUNGAO; RON ABEL SERV. CENTER, INC.; GULLERMO RAMIREZ; JERRY'S SHELL SERV. CENTER, INC.; LEOPOLLO RAMIREZ; NAZAR SHEIBAINI; SITARA MANAGEMENT CORPORATION; TINSEL ENTERPRISES INC; QUANG TRUONG; STEVEN RAY VEZERIAN; LOS FELIZ SHELL, INC.; NASSIM HANNA Plaintiff - Appellant,	Thomas P. Bleau, Esquire, Attorney Direct: 323-874-8613 [COR LD NTC Retained] (see above)  John Haslet Boone, Esquire, Attorney Direct: 415-317-3001 [COR LD NTC Retained] (see above)  Daniel Rees Shulman, Esquire, Attorney Direct: 612-632-3335 [COR LD NTC Retained] (see above)
v.	
SAUDI REFINING INC., (SRI) Defendant - Appellee,	Bryan Alexander Merryman, Esquire Direct: 213-620-7700 [COR LD NTC Retained] White & Case LLP Suite 1900 633 West Fifth Street Los Angeles, CA 90071-2007  Michael S. Shuster, Esquire, Attorney Direct: 212-819-8200 [COR LD NTC Retained] WHITE & CASE LLP 1155 Avenue of the Americas New York, NY 10036-2787
TEXACO INC. Defendant - Appellee,	Patricia G. Butler, Esquire Direct: 202/783-0800 [COR LD NTC Retained] HOWREY, SIMON ARNOLD & WHITE 1299 Pennsylvania Avenue, N.W. Washington, DC 20004  Alan M. Grimaldi, Esquire, Attorney Direct: 202-383-6599 [COR LD NTC Retained] HOWREY & SIMON 1299 Pennsylvania Avenue, N.W. Washington, DC 20004-2402  Thomas Jerome Nolan, Esquire, Trial Attorney Direct: 213-687-5250 [COR LD NTC Retained] Skadden, Arps, Slate, Meagher & Flom LLP Suite 3400 300 South Grand Avenue Los Angeles, CA 90071-3144
SHELL OIL COMPANY Defendant - Appellee,	Stuart Neil Senator, Attorney Direct: 213-683-9528 [COR LD NTC Retained] Munger, Tolles & Olson LLP 355 South Grand Avenue 35th Floor Los Angeles, CA 90071-1560
MOTIVA ENTERPRISES LLC Defendant,	David A. Destino, Esquire, Attorney Direct: 213/975-1600 [COR LD NTC Retained] BAKER & HOSTETLER, LLP Ste. 333 S. Grand Ave. Los Angeles, CA 90071-1523

EQUILON ENTERPRISES, LLC  
Defendant,

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EQUIVA TRADING COMPANY  
Defendant,

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EQUIVA SERVICES LLC  
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FOUAD N. DAGHER; BISHARAT ENTERPRISES INC.; ALFRED BUCZKOWSKI; ESEQUIEL DELAGADO; NASSER EL-RADI; G. G&R PETROLEUM INC.; H.J.F. INC.; KALECO CO.; CARLOS MARQUEZ; SAMI MERHI, EDGARDO R. PARUNGAO; RON ABEL SERV. CENTER, INC.; GULLERMO RAMIREZ; JERRY'S SHELL SERV. CENTER, INC.; LEOPOLLO RAMIREZ; NAZAR SHEIBAINI; SITARA MANAGEMENT CORPORATION; TINSEL ENTERPRISES INC; QUANG TRUONG; STEVEN RAY VEZERIAN; LOS FELIZ SHELL, INC.; NASSIM HANNA,

Plaintiffs - Appellants,

v.

SAUDI REFINING INC., (SRI); TEXACO INC.; SHELL OIL COMPANY,

Defendants - Appellees,

and

MOTIVA ENTERPRISES LLC; EQUILON ENTERPRISES, LLC; EQUIVA TRADING COMPANY; EQUIVA SERVICES LLC,

Defendants.

09/06/2002	<input type="checkbox"/>	2	DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. CADS SENT (Y/N): N. setting schedule as follows: appellant's designation of RT is due 9/9/02,, ; appellee's designation of RT is due 9/19/02,, ; appellant shall order transcript by 9/30/02,, ; court reporter shall file transcript in DC by 10/30/02; certificate of record shall be filed by 11/6/02 ; appellant's opening brief is due 12/16/02,, ; appellees' brief is due 1/15/03,, ; appellants' reply brief is due 1/29/03,, ; [02-56509] (PG)
09/06/2002	<input type="checkbox"/>	4	Filed Thomas P. Bleau for Appellant Fouad N. Dagher, et al.'s Civil Appeals Docketing Statement served on 8/29/02 (to CONFATT) [02-56509] [02-56509] (PG)
09/19/2002	<input type="checkbox"/>	6	Received Alan M Grimaldi for Appellee Texaco Inc. letter dated 9/18/02 re: deff's notice of additional rts deemed necessary on appeal, filed in USDC. (CASEFILE) [02-56509] (XX)
12/13/2002	<input type="checkbox"/>	7	Filed original and 15 copies Appellant Fouad N. Dagher, et al's opening brief ( Informal: n) 48 pages and five excerpts of record in 5volumes VOLS 2, 3 & 4 OF EXCERPTS FILED UNDER SEAL; served on 12/12/02 NOTE: ALSO 5 COPIES EACH OF 2 CR-ROM DISCS LABELLED "EXHIBIT 336" AND "EXHIBIT 337" (Informed atty Daniel R. Schulman that filing of exhibits on disc would require a motion) [02-56509] (GR)
01/10/2003	<input type="checkbox"/>	8	14 day oral extension by phone of time to file Shell Oil Company's brief. [02-56509] appellees' brief due 1/29/03; optional reply brief due 14 days from service of the answering brief (CB)
01/10/2003	<input type="checkbox"/>	9	14 day oral extension by phone to file Appellee Texaco's answering brief [02-56509]. Appellee's answering brief due 1/29/03 and the optional reply brief is due 14 days from service of the answering brief. (LBS)
01/10/2003	<input type="checkbox"/>	10	14 day oral extension by phone to file Appellee Saudi Refining Inc.'s brief [02-56509]. Appellee's brief due 1/29/03 and the optional reply brief is due 14 days from service of the answering brief. (LBS)
01/30/2003	<input type="checkbox"/>	11	Filed original and 15 copies appellee Saudi Refining Inc., Texaco Inc., Shell Oil Company's 48 pages brief, 9 Exc. vols: ; served on 1/29/03 EXCERPTS ARE FILED UNDER SEAL [02-56509] (GR)
02/12/2003	<input type="checkbox"/>	12	14 day oral extension by phone of time to file Appellants' reply brief. [02-56509] appellants' reply brief due 3/4/03,, ; (XX)
02/28/2003	<input type="checkbox"/>	13	Filed original and 15 copies Fouad N. Dagher, Bisharat Enterprises, Alfred Buczkowski, Esequiel Delagado, Nasser El-Radi, G. G&R Petroleum, H.J.F. Inc., Kaleco Co., Carlos Marquez, Sami Merhi reply brief, ( Informal: n ) 11 pages; served on 2/27/03 [02-56509] (GR)
03/24/2003	<input type="checkbox"/>	15	Filed Fouad N. Dagher additional citations, served on 3/21/03 [02-56509] (KKW)
05/12/2003	<input type="checkbox"/>	17	Calendar check performed [02-56509] (AW)
07/15/2003	<input type="checkbox"/>	18	Filed Shell Oil Company additional citations, served on 7/14/03 [02-56509] (KKW)
07/16/2003	<input type="checkbox"/>	19	Filed Aplt's additional citations, served on 7/15/03 [02-56509] (KKW)
07/17/2003	<input type="checkbox"/>	20	Calendar materials being prepared. [02-56509] [02-56509] (AW)
07/24/2003	<input type="checkbox"/>	21	CALENDARED: Pasadena Oct 7 2003 9:00 a.m. Courtroom 1 ** moved to Thur OCT 9 2003 900 AM ** [02-56509] (TH)
08/22/2003	<input type="checkbox"/>	32	FILED CERTIFIED RECORD ON APPEAL IN: 5 Clerks files, 4 Rt's - Rt's #3, & 4 (Under Seal), 43 Envelopes (Under Seal), (from dc transmittal) [02-56509] (JAS)
08/27/2003	<input type="checkbox"/>	24	Letter from appellee Shell Oil Company motion to continue hearing of case: Appellee request that the case be rescheduled in light of Yom Kippur Holiday the day before. (PANEL & CAL UNIT) [02-56509] dated 8/25/03 [4828966] (DR)
09/05/2003	<input type="checkbox"/>	25	Filed Shell Oil Company motion to continue hearing of case served on 9/4/03 PANEL. (KKW)
09/08/2003	<input type="checkbox"/>	27	Filed order (Deputy Clerk: rr) granting appellee's motion to continue hearing. Oral arg will now be held on 10/9/03 in Pasadena, CA [25] [24] PHONED/FAXED [02-56509] (GR)
09/15/2003	<input type="checkbox"/>	31	Rec'd notice of change of address from atty. Joseph Alioto dated 9/11/03. Address: Alioto Law Firm & Law Office of John H. Boone, 555 California Street, Suite 3160, San Francisco, CA 94104.; served on 9/11/03 (CASEFILES) [02-56509] (XX)
09/19/2003	<input type="checkbox"/>	33	Rec'd notice of change of address from John H. Boone and Joseph M. Alioto for Aplt's. dated 9/11/03. New address for ALIOTO LAW FIRM: 555 California Street, Suite 3160, San Francisco, A 94104 and Law office of John H. Boone: 555 California Street, Suite 3160, San Francisco, CA 94104. Tel & Fax no. unchanged. [02-56509] (KKW)
10/09/2003	<input type="checkbox"/>	34	ARGUED AND SUBMITTED TO Stephen R. REINHARDT, Ferdinand F. FERNANDEZ, Johnnie B. RAWLINSON [02-56509]
12/15/2003	<input type="checkbox"/>	36	Rec'd notice of change of address from Daniel R. Shulman for Appellants Sami Merhi, et al., served on 12/10/03 (80 S. 8th St., 500 IDS Ctr., Minneapolis, MN 55402). (CASEFILES) [02-56509] (HH)
06/01/2004	<input type="checkbox"/>	39	FILED OPINION: AFFIRMED IN PART, REVERSED IN PART, AND REMANDED. ( Terminated on the Merits after Oral Hearing; Affirmed (in part) and Reversed (in part); Written, Signed, Published. Stephen R.

- REINHARDT, author; Ferdinand F. FERNANDEZ, partial concurrence and partial dissent; Johnnie B. RAWLINSON. ) FILED AND ENTERED JUDGMENT. (4.5(e) notice to author) [02-56509] (HH)
- 06/07/2004  42 Filed order ( Stephen R. REINHARDT, Ferdinand F. FERNANDEZ, Johnnie B. RAWLINSON, ): Costs shall be awarded to the aplts, except that aple Saudi Refining Inc., shall bear only its own costs. [02-56509] (HH)
- 06/08/2004  43 Filed motion and deputy clerk order :(Deputy Clerk: hh) Aples Texaco, Inc. and Shell Oil Co.'s motion for a 7-day ext of time within which to file a petition for rehearing and/or rehearing en banc is GRANTED. [43] The petition is now due 6/22/04. (Motion recvd 6/7/04) [02-56509] (HH)
- 06/14/2004  44 Filed Appellants Fouad N. Dagher, et al., bill of costs (\$1,010.70), served on 6/11/04 [02-56509] (HH)
- 06/22/2004  45 [5098437] Filed original and 50 copies Appellees Texaco Inc. and Shell Oil Company's petition for rehearing and rehearing en banc, 19 p.pages; served on 6/22/04 (PANEL AND ALL ACTIVE JUDGES) [02-56509] (HH)
- 06/25/2004  49 Filed order ( Stephen R. REINHARDT, ): Pltnfs-aplts shall file a response to defts-aples' petition for rehearing en banc. The response shall comply with the length limitations of Cir.R. 35-4 and 40-1. Fifty copies of said response shall be filed within 21 days of the filed date of this order. [02-56509] (HH)
- 06/29/2004  50 Filed amici curiae Visa U.S.A. Inc. and Coca-Cola Company's motion for leave to file brief in support of petition for rehearing and rehearing en banc; served on 6/29/04 [5106039] (to PANEL) [02-56509] (HH)
- 06/29/2004  51 Received original and 50 copies amici curiae Visa U.S.A. Inc. and The Coca-Cola Company's brief of 15 pages (in support of petition for rehearing and rehearing en banc); served on 6/29/04 (motion to file pending/panel) (PANEL ONLY SERVED) [02-56509] (HH)
- 07/02/2004  52 Filed Appellants Fouad N. Dagher, et al., response in opposition to motion for leave to file brief for amici curiae [50]; served on 7/1/04 (faxed to PANEL) [02-56509] (HH)
- 07/09/2004  54 Filed order ( Stephen R. REINHARDT, Ferdinand F. FERNANDEZ, Johnnie B. RAWLINSON, ): The panel has voted unanimously to deny the motion, submitted by Visa USA Inc. and the Coca-Cola Co., to file an amici curiae brief in support of the defts' petition for rehearing and rehearing en banc. The motion is hereby DENIED. [50] [02-56509] (HH)
- 07/14/2004  55 Filed Appellant Fouad N. Dagher, et al's response to petition opposing petition for enbanc rehearing [45] served on 7/13/04 PANEL AND ALL ACTIVE JUDGES [02-56509] (GR)
- 09/15/2004  58 Filed order (Stephen R. REINHARDT, Ferdinand F. FERNANDEZ, Johnnie B. RAWLINSON): (SEE TEXT) The petitions for rehearing and rehearing en banc are denied. [02-56509] (SW)
- 09/22/2004  59 Filed appellees Texaco Inc. and Shell Oil Company's motion to stay mandate; served on 9/22/04 [5185956] (to PANEL) (HH)
- 09/27/2004  60 Filed order (Stephen R. REINHARDT, Ferdinand F. FERNANDEZ, Johnnie B. RAWLINSON): Defendants-Appellees Texaco, Inc. and Shell Oil Company's motion for a stay of issuance of the mandate pending application for writ of certiorari is granted. Therefore, it is ordered that the mandate is stayed for ninety (90) days pending the Defendants-Aples filing of a petition for writ of certiorari in the Supreme Ct. If such a petition is filed, and if the writ of certiorari is granted by the Supreme Court, the stay shall continue until final disposition by the Supreme Court. [02-56509] (SW)
- 11/03/2004  61 Received atty for Appellants Fouad N. Dagher, et al., letter dated 11/2/04 re: correction to reflect lead counsel of record in published opinion. (CASEFILES) [02-56509] (HH)
- 12/15/2004  62 Received Appellee Texaco Inc., letter dated 12/15/04 re: Texaco, Inc. and Shell Oil Co. each timely filed petitions for certiorari yesterday with the Supreme Court. (PANEL) [02-56509] (HH)
- 12/20/2004  64 Received notice from Supreme Court: petition for certiorari filed Supreme Court No. 04-805 filed on 12/14/04. [02-56509] (HH)
- 12/28/2004  65 Received notice from Supreme Court: petition for certiorari filed Supreme Court No. 04-814 filed on 12/14/04. [02-56509] (HH)
- 07/05/2005  66 Received notice from Supreme Court, petition for certiorari GRANTED on 6/27/05. Supreme Court No. 04-805. The motions of Antitrust Scholars, Washington Legal Foundation, Visa USA Inc., et al., Chamber of Commerce of the US, et al. for leave to file a brief as amici curiae are granted. The case is consolidated with no. 04-814 and a total of one hour is allotted for oral argument. (PANEL) (HH)
- 07/05/2005  67 Received notice from Supreme Court, petition for certiorari GRANTED on 6/27/05. Supreme Court No. 04-814. The motions of Washington Legal Foundation, Visa USA Inc., et al., Chamber of Commerce of the US, et al., Antitrust Scholars for leave to file a brief as amici curiae are granted. The case is consolidated with no. 04-805 and a total of one hour is allotted for oral argument. (PANEL) (HH)
- 11/09/2005  68 ONE VOLUME RECORD OF PROCEEDINGS HAD IN THE NINTH CIRCUIT TRANSMITTED TO THE U.S. SUPREME COURT IN S.C. CASE #S 04-805 & 04-814. THE CENTRAL DISTRICT WILL FORWARD THE LOWER COURT RECORD DIRECTLY TO THE SUPREME COURT. [02-56509] (SS)
- 03/06/2006  69 Received copy of Supreme Court opinion dated 2/28/06: the judgment of the court of appeals is REVERSED. (PANEL) [02-56509] (HH)



- |            |                          |    |  |
|------------|--------------------------|----|--|
| 04/05/2006 | <input type="checkbox"/> | 71 | Filed Supreme Court judgment filed and entered in USSC No. 04-805 and 04-814, on 3/31/06: the judgment of the court of appeals is reversed. (to PANEL) [02-56509] (HH)   |
| 10/24/2006 | <input type="checkbox"/> | 74 | Order filed FOR PUBLICATION: Pursuant to the Supreme Court judgment, we affirm the district court's grant of summary judgment to the defendants. ( Terminated on the Merits after Oral Hearing; Affirmed; Written, Unsigned, Published. Stephen R. REINHARDT, Ferdinand F. FERNANDEZ, Johnnie B. RAWLINSON ) [02-56509] (HH) |
| 11/15/2006 | <input type="checkbox"/> | 75 | MANDATE ISSUED [02-56509] (HH)   |
| 05/01/2007 | <input type="checkbox"/> | 80 | RECORD RETURNED. (See control card for details.) (JAS)   |

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