

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

Court of Appeals Docket #: 20-10211

USA v. Christopher Lischewski

Appeal From: U.S. District Court for Northern California, San Francisco

Fee Status: Paid

Docketed: 07/01/2020

Termed: 07/07/2021

Case Type Information:

- 1) criminal
- 2) Direct Criminal
- 3) null

Originating Court Information:

District: 0971-3 : [3:18-cr-00203-EMC-1](#)

Lead: [3:18-cr-00203-EMC](#)

Court Reporter: Jo Ann Bryce

Court Reporter: Ana Dub

Court Reporter: Richard John Duvall, Court Reporter Supervisor

Court Reporter: Debra Pas, Official Court Reporter

Court Reporter: Katherine Sullivan, Court Reporter

Trial Judge: Edward M. Chen, Senior District Judge

Date Filed: 05/16/2018

Date Order/Judgment:

06/30/2020

Date Order/Judgment EOD:

06/30/2020

Date NOA Filed:

06/30/2020

Date Rec'd COA:

06/30/2020

Prior Cases:

[19-80108](#)

Date Filed: 08/14/2019

Date Disposed: 12/20/2019

Disposition: Granted - Judge Order

Current Cases:

None

UNITED STATES OF AMERICA
Plaintiff - Appellee,

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v.

CHRISTOPHER D. LISCHESKI
Defendant - Appellant,

John D. Cline
Direct: 360-320-6435
Email: cline@johndclinelaw.com
[COR LD NTC Retained]
Law Office of John D. Cline
600 Stewart Street
Suite 400
Seattle, WA 98101

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CHRISTOPHER D. LISCHEWSKI,

Defendant - Appellant.

- 07/01/2020 1
27 pg, 767.65 KB DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. Reporters Transcript required: Yes. Sentence imposed: 40 Months. Transcript ordered by 07/21/2020. Transcript due 08/20/2020. Appellant briefs and excerpts due by 09/29/2020 for Christopher D. Lischewski. Appellee brief due 10/29/2020 for United States of America. Appellant's optional reply brief is due 21 days after service of the answering brief. [11739384] (JPD) [Entered: 07/01/2020 09:40 AM]
- 09/25/2020 2
70 pg, 459.24 KB Submitted (ECF) Opening Brief for review. Submitted by Appellant Christopher D. Lischewski. Date of service: 09/25/2020. [11837489] [20-10211] (Cline, John) [Entered: 09/25/2020 02:59 PM]
- 09/25/2020 3
1611 pg, 113.64 MB Submitted (ECF) excerpts of record. Submitted by Appellant Christopher D. Lischewski. Date of service: 09/25/2020. [11837500] [20-10211] (Cline, John) [Entered: 09/25/2020 03:04 PM]
- 09/28/2020 4
2 pg, 94.52 KB Filed clerk order: The opening brief [2] submitted by Christopher D. Lischewski is filed. Within 7 days of the filing of this order, filer is ordered to file 6 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 excerpts of record [3] submitted by Christopher D. Lischewski are filed. Within 7 days of this order, filer is ordered to file 3 copies of the excerpts in paper format securely bound on the left side, with white covers. The paper copies shall be submitted to the principal office of the Clerk. [11838599] (LA) [Entered: 09/28/2020 10:01 AM]
- 10/02/2020 5 Filed (ECF) notice of appearance of Stratton C. Strand (Antitrust Division, U.S. Department of Justice 950 Pennsylvania Ave., N.W. Washington, D.C. 20530) for Appellee USA. Date of service: 10/02/2020. (Party was previously proceeding with counsel.) [11845173] [20-10211] (Strand, Stratton) [Entered: 10/02/2020 09:55 AM]
- 10/02/2020 6 Added Attorney(s) Stratton Christopher Strand for party(s) Appellee USA, in case 20-10211. [11845177] (QDL) [Entered: 10/02/2020 09:57 AM]
- 10/02/2020 7 Filed (ECF) notice of appearance of Bryan J. Leitch (Antitrust Division, U.S. Department of Justice 950 Pennsylvania Ave., N.W. Washington, D.C. 20530) for Appellee USA. Date of service: 10/02/2020. (Party was previously proceeding with counsel.) [11845187] [20-10211] (Leitch, Bryan) [Entered: 10/02/2020 10:00 AM]
- 10/02/2020 8 Added Attorney(s) Bryan J. Leitch for party(s) Appellee USA, in case 20-10211. [11845202] (QDL) [Entered: 10/02/2020 10:05 AM]
- 10/02/2020 9 Received 3 paper copies of excerpts of record [3] in 7 volume(s) filed by Appellant Christopher D. Lischewski. [11845204] (LA) [Entered: 10/02/2020 10:06 AM]
- 10/02/2020 10 Received 6 paper copies of Opening Brief [2] filed by Christopher D. Lischewski. [11845973] (JAS) [Entered: 10/02/2020 02:59 PM]
- 10/06/2020 11
3 pg, 21.13 KB Filed (ECF) Appellee USA Motion to extend time to file Answering brief until 12/28/2020. Date of service: 10/06/2020. [11849566] [20-10211] (Leitch, Bryan) [Entered: 10/06/2020 02:53 PM]
- 10/08/2020 12
1 pg, 92.25 KB Filed clerk order (Deputy Clerk: LBS): The government's unopposed motion [11] for an extension of time to file the answering brief is granted. The answering brief is due December 28, 2020. The optional reply brief is due within 21 days after service of the answering brief. [11851782] (LBS) [Entered: 10/08/2020 08:57 AM]
- 12/28/2020 13
87 pg, 328.75 KB Submitted (ECF) Answering Brief for review. Submitted by Appellee USA. Date of service: 12/28/2020. [11946138] [20-10211] (Leitch, Bryan) [Entered: 12/28/2020 01:17 PM]
- 12/28/2020 14
3542 pg, 30.71 MB Submitted (ECF) supplemental excerpts of record. Submitted by Appellee USA. Date of service: 12/28/2020. [11946237] [20-10211]--[COURT UPDATE: Attached separated PDF files of excerpts volumes. 12/28/2020 by LA] (Leitch, Bryan) [Entered: 12/28/2020 02:04 PM]
- 12/28/2020 15
2 pg, 94.56 KB Filed clerk order: The answering brief [13] submitted by USA is filed. Within 7 days of the filing of this order, filer is ordered to file 6 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 supplemental excerpts of record [14] submitted by USA are filed. Within 7 days of this order, filer is ordered to file 3 copies of the excerpts in paper format securely bound on the left side, with white covers. The paper copies shall be submitted to the principal office of the Clerk. [11946288] (LA) [Entered: 12/28/2020 02:29 PM]
- 12/31/2020 16 Received 6 paper copies of Answering Brief [13] filed by USA. [11949711] (SD) [Entered: 12/31/2020 11:48 AM]
- 12/31/2020 17 Received 3 paper copies of supplemental excerpts of record [14] in 15 volume(s) and index volume filed by Appellee USA. [11950504] (KWG) [Entered: 01/04/2021 09:30 AM]
- 01/19/2021 18
38 pg, 308.23 KB Submitted (ECF) Reply Brief for review. Submitted by Appellant Christopher D. Lischewski. Date of service: 01/19/2021. [11968859] [20-10211]--[COURT UPDATE: Attached corrected PDF. 01/21/2021 by LA] (Cline, John) [Entered: 01/19/2021 06:27 PM]

- 01/19/2021 19
77 pg, 1.66 MB Submitted (ECF) further excerpts of record. Submitted by Appellant Christopher D. Lischewski. Date of service: 01/19/2021. [11968860] [20-10211]--[COURT UPDATE: Attached corrected PDF. 01/21/2021 by LA] (Cline, John) [Entered: 01/19/2021 06:29 PM]
- 01/21/2021 20
2 pg, 94.82 KB Filed clerk order: The reply brief [18] submitted by Christopher D. Lischewski is filed. Within 7 days of the filing of this order, filer is ordered to file 6 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 further excerpts of record [19] submitted by Christopher D. Lischewski are filed. Within 7 days of this order, filer is ordered to file 3 copies of the excerpts in paper format securely bound on the left side, with white covers. The paper copies shall be submitted to the principal office of the Clerk. [11974979] (LA) [Entered: 01/21/2021 01:24 PM]
- 01/27/2021 21 Received 3 paper copies of further excerpts of record [19] in 1 volume(s) filed by Appellant Christopher D. Lischewski. [11983201] (LA) [Entered: 01/27/2021 12:20 PM]
- 01/27/2021 22 Received 6 paper copies of Reply Brief [18] filed by Christopher D. Lischewski. [11983682] (SD) [Entered: 01/27/2021 03:28 PM]
- 02/23/2021 23 This case is being considered for an upcoming oral argument calendar in San Francisco
- Please review the San Francisco sitting dates for June 2021 and the 2 subsequent sitting months in that location at http://www.ca9.uscourts.gov/court_sessions. If you have an unavoidable conflict on any of the dates, please file Form 32 **within 3 business days of this notice** using the CM/ECF filing type **Response to Case Being Considered for Oral Argument**. Please follow the form's instructions carefully.
- When setting your argument date, the court will try to work around unavoidable conflicts; the court is not able to accommodate mere scheduling preferences. You will receive notice that your case has been assigned to a calendar approximately 10 weeks before the scheduled oral argument date.
- If the parties wish to discuss settlement before an argument date is set, they should jointly request referral to the mediation unit by filing a letter **within 3 business days of this notice**, using CM/ECF (**Type of Document:** Correspondence to Court; **Subject:** request for mediation).[12013426]. [20-10211] (KS) [Entered: 02/23/2021 11:02 AM]
- 04/04/2021 24 Notice of Oral Argument on Wednesday, June 16, 2021 - 09:00 A.M. - Courtroom 1 - Scheduled Location: San Francisco CA.
The hearing time is the local time zone at the scheduled hearing location.
- View the Oral Argument Calendar for your case [here](#).
- NOTE: Although your case is currently scheduled for oral argument, the panel may decide to submit the case on the briefs instead. See Fed. R. App. P. 34. Absent further order of the court, if the court does determine that oral argument is required in this case, any argument **will** be held with **all** attorneys appearing remotely by video or telephone. The court **strongly prefers** video arguments whenever possible. Travel to a courthouse will not be required. If the panel determines that it will hold oral argument, the Clerk's Office will be in contact with you directly at least two weeks before the set argument date to make any necessary arrangements for remote appearance.
- Be sure to review the GUIDELINES for important information about your hearing, including when to be available (30 minutes before the hearing time) and when and how to submit additional citations (filing electronically as far in advance of the hearing as possible).
- If you are the specific attorney or self-represented party who will be arguing, use the **ACKNOWLEDGMENT OF HEARING NOTICE** filing type in CM/ECF no later than 21 days before Wednesday, June 16, 2021. No form or other attachment is required. If you will not be arguing, do not file an acknowledgment of hearing notice.[12062822]. [20-10211] (KS) [Entered: 04/04/2021 06:09 AM]
- 04/05/2021 25 Filed (ECF) Acknowledgment of hearing notice by Attorney Mr. John D. Cline for Appellant Christopher D. Lischewski. Hearing in San Francisco on 06/16/2021 at 09:00 A.M. (Courtroom: Courtroom 1). Filer sharing argument time: No. (Argument minutes: 20.) Special accommodations: NO. Filer admission status: I certify that I am admitted to practice before this Court. Date of service: 04/05/2021. [12063945] [20-10211] (Cline, John) [Entered: 04/05/2021 02:51 PM]
- 04/06/2021 26 Filed (ECF) Acknowledgment of hearing notice by Attorney Mr. Bryan J. Leitch for Appellee USA. Hearing in San Francisco on 06/16/2021 at 09:00 A.M. (Courtroom: Courtroom 1). Filer sharing argument time: No. (Argument minutes: 20.) Special accommodations: NO. Filer admission status: I certify that I am admitted to practice before this Court. Date of service: 04/06/2021. [12065278] [20-10211] (Leitch, Bryan) [Entered: 04/06/2021 01:32 PM]
- 06/14/2021 27 Filed (ECF) Appellee USA citation of supplemental authorities. Date of service: 06/14/2021. [12143902]

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[20-10211] (Leitch, Bryan) [Entered: 06/14/2021 06:33 PM]

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ARGUED AND SUBMITTED TO SIDNEY R. THOMAS, DANIEL A. BRESS and PATRICK J. BUMATAY. [12145817] (TG) [Entered: 06/16/2021 10:44 AM]

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1 pg, 37.6 MB

Filed Audio recording of oral argument.

Note: Video recordings of public argument calendars are available on the Court's website, at <http://www.ca9.uscourts.gov/media/> [12156213] (TG) [Entered: 06/28/2021 12:54 PM]

07/07/2021 30
12 pg, 315.95 KB

FILED MEMORANDUM DISPOSITION (SIDNEY R. THOMAS, DANIEL A. BRESS and PATRICK J. BUMATAY) AFFIRMED. FILED AND ENTERED JUDGMENT. [12164463] (JN) [Entered: 07/07/2021 06:48 AM]

07/29/2021 31
1 pg, 91.36 KB

MANDATE ISSUED.(SRT, DAB and PJB) [12186226] (DJV) [Entered: 07/29/2021 06:48 AM]

12/09/2021 32
1 pg, 54.54 KB

Supreme Court Case Info

Case number: 21-852
Filed on: 12/06/2021
Cert Petition Action 1: Pending
[12311532] (RR) [Entered: 12/09/2021 01:23 PM]

05/02/2022 33
1 pg, 63.7 KB

Supreme Court Case Info

Case number: 21-852
Filed on: 12/06/2021
Cert Petition Action 1: Denied, 05/02/2022
[12435960] (QDL) [Entered: 05/02/2022 12:17 PM]

Clear All

Documents and Docket Summary

Documents Only

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