

**General Docket
Third Circuit Court of Appeals**

Court of Appeals Docket #: 22-2806	Docketed: 09/27/2022
Nature of Suit: 1410 Antitrust USA v. United States Sugar Corporation, et al	
Appeal From: United States District Court for the District of Delaware	
Fee Status: NA	
Case Type Information:	
1) civil	
2) United States as party	
3) Other civil	
Originating Court Information:	
District: 0311-1 : 1-21-cv-01644	
Trial Judge: Maryellen Noreika, District Judge	
Date Filed: 11/23/2021	
Date Order/Judgment:	Date Order/Judgment EOD:
09/23/2022	09/23/2022
	Date NOA Filed:
	09/26/2022
Prior Cases:	
None	
Current Cases:	
None	

<p>UNITED STATES OF AMERICA Plaintiff - Appellant</p>	<p>Shamoor Anis, Esq. Direct: 302-573-6277 Email: shamoor.anis@usdoj.gov Fax: 302-673-6220 [Federal government] Office of United States Attorney 1313 N Market Street Hercules Building, Suite 400 Wilmington, DE 19801</p> <p>Peter M. Bozzo, Esq. Direct: 202-803-1196 Email: peter.bozzo@usdoj.gov [COR NTC Federal government] United States Department of Justice Antitrust Division 950 Pennsylvania Avenue NW Washington, DC 20530</p> <p>Soyoung Choe, Esq. Email: soyoung.choe@usdoj.gov [Federal government] United States Department of Justice Antitrust Division 450 5th Street NW Suite 11000 Washington, DC 20530</p> <p>Jenigh J. Garrett, Esq. Direct: 202-705-4526 Email: jenigh.garrett@usdoj.gov [Federal government] United States Department of Justice Antitrust Division 450 5th Street NW Suite 11000 Washington, DC 20530</p> <p>Daniel E. Haar, Esq. Direct: 202-598-2846 Email: daniel.haar@usdoj.gov Fax: 202-514-0536 [COR NTC Federal government] United States Department of Justice Antitrust Division Room 3318 950 Pennsylvania Avenue NW Washington, DC 20530</p>
---	---

Brian E. Hanna, Esq.
Direct: 202-598-8360
Email: brian.hanna2@usdoj.gov
[Federal government]
United States Department of Justice
Antitrust Division
450 5th Street NW
Suite 11000
Washington, DC 20530

Laura D. Hatcher, Esq.
Direct: 302-573-6277
Email: laura.hatcher@usdoj.gov
[Federal government]
Office of United States Attorney
1313 N Market Street
Hercules Building, Suite 400
Wilmington, DE 19801

Robert A. Lepore, Esq.
Direct: 202-532-4928
Email: robert.lepore@usdoj.gov
[Federal government]
United States Department of Justice
Antitrust Division
450 5th Street NW
Suite 11000
Washington, DC 20530

Nickolai G. Levin, Esq.
Direct: 202-514-2886
Email: Nickolai.Levin@usdoj.gov
Fax: 202-514-0536
[COR NTC Federal government]
United States Department of Justice
Antitrust Division
Office 3224
950 Pennsylvania Avenue NW
Washington, DC 20530

Jonathan Y. Mincer, Esq.
Direct: 202-710-2449
Email: jonathan.mincer@usdoj.gov
[Federal government]
United States Department of Justice
Antitrust Division
450 5th Street NW
Suite 11000
Washington, DC 20530

George C. Nierlich, Esq.
Direct: 202-368-2217
Email: george.nierlich@usdoj.gov
[Federal government]
United States Department of Justice
Antitrust Division
450 5th Street NW
Suite 11000
Washington, DC 20530

Stephanie E. Pearl, Esq.
Direct: 202-568-3720
Email: stephanie.pearl@usdoj.gov
[Federal government]
United States Department of Justice
Antitrust Division
450 5th Street NW
Suite 11000
Washington, DC 20530

Jill Ptacek, Esq.
Direct: 202-307-6607
Email: jill.ptacek@usdoj.gov
Fax: 202-616-2411
[Federal government]
United States Department of Justice
Suite 500

325 7th Street NW
Washington, DC 20530

Chinita M. Sinkler, Esq.
Direct: 202-598-8073
Email: chinita.sinkler@usdoj.gov
[Federal government]
United States Department of Justice
Antitrust Division
450 5th Street NW
Suite 11000
Washington, DC 20530

Curtis Strong, Esq.
Direct: 202-322-6840
Email: curtis.strong@usdoj.gov
[Federal government]
United States Department of Justice
Antitrust Division
450 5th Street NW
Suite 11000
Washington, DC 20530

Jessica J. Taticchi, Esq.
Direct: 202-705-5900
Email: jessica.taticchi@usdoj.gov
[Federal government]
United States Department of Justice
Antitrust Division
450 5th Street NW
Suite 11000
Washington, DC 20530

John R. Thornburgh, II, Esq.
Direct: 202-264-9451
Email: john.thornburgh@usdoj.gov
[Federal government]
Apt. #2
1817 6th Street NW
Washington, DC 20001

Michael Wolin, Esq.
Direct: 202-307-6200
Email: michael.wolin@usdoj.gov
[Federal government]
United States Department of Justice
Antitrust Division
450 5th Street NW
Suite 11000
Washington, DC 20530

Brian R. Young, Esq.
Direct: 202-598-8360
Email: brian.young5@usdoj.gov
Fax: 20-307-2784
[Federal government]
United States Department of Justice
Antitrust Division
450 5th Street NW
Suite 11000
Washington, DC 20530

v.

UNITED STATES SUGAR CORP
Defendant - Appellee

Melissa Arbus Sherry, Esq.
Direct: 212-637-2200
Email: melissa.sherry@lw.com
Fax: 202-637-2201
[COR NTC Retained]
Latham & Watkins
555 11th Street NW
Suite 1000
Washington, DC 20004

Jack B. Blumenfeld, Esq.
Direct: 302-658-9200
Email: Jbbefiling@mnat.com

Fax: 302-658-3989
[COR NTC Retained]
Morris Nichols Arsh & Tunnell
1201 N Market Street
16th Floor
P.O. Box 1347
Wilmington, DE 19899

Lawrence E. Buterman, Esq.
Direct: 202-637-2200
Email: lawrence.buterman@lw.com
Fax: 202-637-2201
[COR NTC Retained]
Latham & Watkins
555 11th Street NW
Suite 1000
Washington, DC 20004

Lindsey S. Champlin, Esq.
Direct: 202-637-2200
Email: lindsey.champlin@lw.com
Fax: 202-637-2201
[COR NTC Retained]
Latham & Watkins
555 11th Street NW
Suite 1000
Washington, DC 20004

Charles Dameron
Direct: 202-637-2200
Email: charles.dameron@lw.com
Fax: 202-637-2201
[COR NTC Retained]
Latham & Watkins
555 11th Street NW
Suite 1000
Washington, DC 20004

Brian P. Egan, Esq.
Direct: 302-351-9454
Email: began@mnat.com
[Retained]
Morris Nichols Arsh & Tunnell
1201 N Market Street
16th Floor
P.O. Box 1347
Wilmington, DE 19899

David L. Johnson, Esq.
Direct: 202-637-2200
Email: david.johnson@lw.com
Fax: 202-637-2201
[COR NTC Retained]
Latham & Watkins
555 11th Street NW
Suite 1000
Washington, DC 20004

Daniel C. Kerrick, Esq.
Direct: 302-656-7540
Email: dckerrick@dkhogan.com
[Retained]
Hogan McDaniel
1311 Delaware Avenue
Wilmington, DE 19806

Amanda P. Reeves, Esq.
Direct: 202-637-2200
Email: amanda.reeves@lw.com
Fax: 202-637-2201
[COR NTC Retained]
Latham & Watkins
555 11th Street NW
Suite 1000
Washington, DC 20004

Christopher S. Yates, Esq.

IMPERIAL SUGAR CO
Defendant - Appellee

Direct: 415-395-8157
Email: chris.yates@lw.com
Fax: 415-395-8095
[COR NTC Retained]
Latham & Watkins
505 Montgomery Street
Suite 2000
San Francisco, CA 94111

Peter T. Barbur, Esq.
Direct: 212-474-1058
Email: pbarbur@cravath.com
[COR NTC Retained]
Cravath Swaine & Moore
825 Eighth Avenue
Worldwide Plaza
New York, NY 10019

Timothy G. Cameron, Esq.
Direct: 212-474-1000
Email: tcameron@cravath.com
[COR NTC Retained]
Cravath Swaine & Moore
825 Eighth Avenue
Worldwide Plaza
New York, NY 10019

Kelly E. Farnan, Esq.
Direct: 302-651-7705
Email: farnan@rlf.com
[COR NTC Retained]
Richards Layton & Finger
920 N King Street
One Rodney Square
Wilmington, DE 19801

David R. Marriott, Esq.
Direct: 212-474-1000
Email: dmarriott@cravath.com
[COR NTC Retained]
Cravath Swaine & Moore
825 Eighth Avenue
Worldwide Plaza
New York, NY 10019

Daniel K. Zach, Esq.
Direct: 212-474-1000
Email: dzach@cravath.com
Fax: 212-474-3700
[COR NTC Retained]
Cravath Swaine & Moore
825 Eighth Avenue
Worldwide Plaza
New York, NY 10019

LOUIS DREYFUS CO LLC
Defendant - Appellee

Peter T. Barbur, Esq.
Direct: 212-474-1058
[COR NTC Retained]
(see above)

Timothy G. Cameron, Esq.
Direct: 212-474-1000
[COR NTC Retained]
(see above)

Kelly E. Farnan, Esq.
Direct: 302-651-7705
[COR NTC Retained]
(see above)

David R. Marriott, Esq.
Direct: 212-474-1000
[COR NTC Retained]
(see above)

Daniel K. Zach, Esq.
Direct: 212-474-1000

UNITED SUGARS CORP
Defendant - Appellee

[COR NTC Retained]
(see above)

Daniel K. Hogan, Esq.
Email: dkhogan@dkhogan.com
[COR NTC Retained]
Hogan McDaniel
1311 Delaware Avenue
Wilmington, DE 19806

AMERICAN ECONOMIC LIBERTIES PROJECT
Amicus - Amicus Appellant


Lee Hepner, Esq.
Direct: 949-412-7623
Email: lhepner@economicliberties.us
[COR NTC Retained]
140 San Carlos Street
San Francisco, CA 94110


Katherine Van Dyck, Esq.
Direct: 202-904-8101
Email: kvandyck@economicliberties.us
[COR NTC Retained]
American Economic Liberties Project
2001 Pennsylvania Avenue NW
Suite 540
Washington, DC 20006






UNITED STATES OF AMERICA,
Appellant

v.

UNITED STATES SUGAR CORPORATION;
IMPERIAL SUGAR COMPANY;
LOUIS DREYFUS COMPANY LLC;
UNITED SUGARS CORPORATION

09/27/2022	<input type="checkbox"/> 1	CIVIL CASE DOCKETED. Notice filed by Appellant USA in District Court No. 1-21-cv-01644. (JK) [Entered: 09/27/2022 02:50 PM]
09/27/2022	<input type="checkbox"/> 2	RECORD available on District Court CM/ECF. (JK) [Entered: 09/27/2022 02:57 PM]
09/27/2022	<input type="checkbox"/> 3	ORDER (Clerk) It is noted that the District Court memorandum opinion on appeal and other portions of this case are sealed in the District Court. Because it is sealed, the Clerk has not filed the District Court's memorandum opinion on this Court's docket. Any party who wishes to continue the seal must file a motion pursuant to 3d Cir. L.A.R. Misc. 106.1(c)(2) within thirty days of the date the notice of appeal was filed or the seal will be lifted and the memorandum opinion will be added to the docket without restriction. Any motion under 3d Cir. L.A.R. Misc. 106.1(c)(2) should specify the scope of the relief requested, including the basis for sealing and the desired duration of the sealing order. If any party intends to file other sealed documents with the Court during the appeal, the filing party must file an appropriate motion to seal, submit the documents separately, and title the filing as "SEALED." See 3d Cir. L.A.R. Misc. 106.1(a). The parties are directed to use the CM/ECF events preceded by the word SEALED whenever filing any documents which may contain sealed material. All hard copies of documents submitted to this Court should be properly labeled that they are SEALED and provided in a clearly marked envelope. (JK) [Entered: 09/27/2022 03:09 PM]
09/28/2022	<input type="checkbox"/> 4	ECF FILER: ENTRY OF APPEARANCE from Daniel E. Haar on behalf of Appellant(s) United States of America. [22-2806] (PMB) [Entered: 09/28/2022 11:04 PM]
09/28/2022	<input type="checkbox"/> 5	ECF FILER: ENTRY OF APPEARANCE from Nickolai G. Levin on behalf of Appellant(s) United States of America. [22-2806] (PMB) [Entered: 09/28/2022 11:05 PM]
09/28/2022	<input type="checkbox"/> 6	ECF FILER: ENTRY OF APPEARANCE from Peter M. Bozzo on behalf of Appellant(s) United States of America. [22-2806] (PMB) [Entered: 09/28/2022 11:05 PM]
09/29/2022	<input type="checkbox"/> 7	ECF FILER: Motion filed by Appellant USA for injunction. Certificate of Service dated 09/29/2022. Service made by ECF. [22-2806] (PMB) [Entered: 09/29/2022 09:17 AM]
09/29/2022	<input type="checkbox"/> 8 	ECF FILER: SEALED Motion filed by Appellant USA to seal sealed version of the District Court's opinion. Certificate of Service dated 09/29/2022. [22-2806] (PMB) [Entered: 09/29/2022 09:21 AM]
09/29/2022	<input type="checkbox"/> 9	ECF FILER: ENTRY OF APPEARANCE from Daniel K. Hogan on behalf of Appellee(s) United Sugars Corporation. [22-2806] (DKH) [Entered: 09/29/2022 09:36 AM]
09/29/2022	<input type="checkbox"/> 10	ECF FILER: DISCLOSURE STATEMENT on behalf of Appellee United Sugars Corp. [22-2806] (DKH) [Entered: 09/29/2022 09:39 AM]
09/29/2022	<input type="checkbox"/> 11	TEXT ONLY ORDER (Clerk). Any response to the Emergency Motion for Injunction Pending Appeal and An Administrative Injunction Pending Adjudication of this Motion must be filed and served no later than 4 p.m. today. (KM) [Entered: 09/29/2022 10:40 AM]
09/29/2022	<input type="checkbox"/> 12	ECF FILER: ENTRY OF APPEARANCE from Jack B. Blumenfeld on behalf of Appellee(s) United States Sugar Corp.. [22-2806] (JBB) [Entered: 09/29/2022 10:58 AM]
09/29/2022	<input type="checkbox"/> 13	ECF FILER: ENTRY OF APPEARANCE from Kelly E. Farnan on behalf of Appellee(s) Imperial Sugar Company and Louis Dreyfus Company, LLC. [22-2806] (KEF) [Entered: 09/29/2022 11:14 AM]
09/29/2022	<input type="checkbox"/> 14	ECF FILER: ENTRY OF APPEARANCE from Lawrence E. Buterman on behalf of Appellee(s) United States Sugar Corporation. [22-2806] (LEB) [Entered: 09/29/2022 11:33 AM]
09/29/2022	<input type="checkbox"/> 15	ECF FILER: ENTRY OF APPEARANCE from Amanda P. Reeves on behalf of Appellee(s) United States Sugar Corporation. [22-2806] (APR) [Entered: 09/29/2022 11:36 AM]
09/29/2022	<input type="checkbox"/> 16	ECF FILER: ENTRY OF APPEARANCE from Melissa Arbus Sherry on behalf of Appellee(s) United States Sugar Corporation. [22-2806] (MA) [Entered: 09/29/2022 11:38 AM]
09/29/2022	<input type="checkbox"/> 17	ECF FILER: ENTRY OF APPEARANCE from Lindsey S. Champlin on behalf of Appellee(s) United States Sugar Corporation. [22-2806] (LSC) [Entered: 09/29/2022 11:40 AM]
09/29/2022	<input type="checkbox"/> 18	ECF FILER: ENTRY OF APPEARANCE from David L. Johnson on behalf of Appellee(s) United States Sugar Corporation. [22-2806] (DLJ) [Entered: 09/29/2022 11:43 AM]
09/29/2022	<input type="checkbox"/> 19	ECF FILER: ENTRY OF APPEARANCE from Charles S. Dameron on behalf of Appellee(s) United States Sugar Corporation. [22-2806] (CD) [Entered: 09/29/2022 11:49 AM]
09/29/2022	<input type="checkbox"/> 20	ECF FILER: DISCLOSURE STATEMENT on behalf of Appellee United States Sugar Corp. [22-2806] (LEB) [Entered: 09/29/2022 12:01 PM]
09/29/2022	<input type="checkbox"/> 21	ECF FILER: ENTRY OF APPEARANCE from Christopher S. Yates on behalf of Appellee(s) United States Sugar Corporation. [22-2806] (CSY) [Entered: 09/29/2022 02:51 PM]
09/29/2022	<input type="checkbox"/> 22	ECF FILER: Response filed by Appellees United States Sugar Corp, Imperial Sugar Co, Louis Dreyfus Co, LLC and United Sugars Corp to the Appellant's Emergency Motion for Injunction. Certificate of Service dated 09/29/2022. [22-2806]--[Edited 09/29/2022 by JK] (MA) [Entered: 09/29/2022 03:56 PM]
09/29/2022	<input type="checkbox"/> 23	ECF FILER: UNOPPOSED Motion filed by Appellee United States Sugar Corp to accept Appellees' Response to Emergency Motion for Injunction Pending Appeal that is in excess of word limit. Certificate of Service dated 09/29/2022. Service made by ECF. [22-2806] (MA) [Entered: 09/29/2022 04:14 PM]

- 09/30/2022 [24](#) ECF FILER: Reply by Appellant USA to for Injunction. Certificate of Service dated 09/30/2022. Service made by ECF [22-2806] (PMB) [Entered: 09/30/2022 09:34 AM]
21 pg, 465.16 KB
- 09/30/2022 [25](#) ECF FILER: ENTRY OF APPEARANCE from Timothy G. Cameron on behalf of Appellee(s) Louis Dreyfus Company, LLC; Imperial Sugar Corporation. [22-2806]--[Edited 09/30/2022 by JK] (TGC) [Entered: 09/30/2022 10:18 AM]
1 pg, 93.98 KB
- 09/30/2022 [26](#) ECF FILER: ENTRY OF APPEARANCE from Daniel K. Zach on behalf of Appellee(s) Louis Dreyfus Company, LLC; Imperial Sugar Corporation. [22-2806] (DKZ) [Entered: 09/30/2022 10:35 AM]
1 pg, 93.8 KB
- 09/30/2022 [27](#) ORDER (RESTREPO and PHIPPS, Circuit Judges) Appellant's emergency motion for an injunction pending appeal and for an administrative injunction pending adjudication of the motion is denied in its entirety. Appellees' motion to file a response that exceeds the word limit is granted. The following expedited briefing schedule shall apply to this appeal: Appellant's brief and appendix shall be filed and served no later than 10/31/2022; Appellees' brief shall be filed and served no later than 11/21/2022; Appellant's reply brief, if any, shall be filed and served no later than 12/05/2022. After briefing is complete, the case will be calendared before the next available merits panel.. Panel No.: ECO-055-E. RESTREPO, Authoring Judge. (JK) [Entered: 09/30/2022 12:26 PM]
2 pg, 103.96 KB
- 10/11/2022 [28](#) ECF FILER: CIVIL INFORMATION STATEMENT on behalf of Appellant USA. [22-2806] (PMB) [Entered: 10/11/2022 02:15 PM]
3 pg, 241.58 KB
- 10/11/2022 [29](#) ECF FILER: Concise Summary of the Case filed by Appellant USA. [22-2806] (PMB) [Entered: 10/11/2022 02:19 PM]
64 pg, 803.83 KB
- 10/11/2022 [30](#) ECF FILER: Transcript Purchase Order Form (Part 1) filed by Appellant USA advising this court that transcripts are already on file in the District Court. [22-2806] (PMB) [Entered: 10/11/2022 02:21 PM]
1 pg, 102.85 KB
- 10/14/2022 [31](#) ECF FILER: DISCLOSURE STATEMENT on behalf of Appellee Imperial Sugar Co. [22-2806] (KEF) [Entered: 10/14/2022 01:13 PM]
2 pg, 50.41 KB
- 10/14/2022 [32](#) ECF FILER: DISCLOSURE STATEMENT on behalf of Appellee Louis Dreyfus Co LLC. [22-2806] (KEF) [Entered: 10/14/2022 01:14 PM]
2 pg, 50.42 KB
- 10/17/2022 [33](#) ECF FILER: ENTRY OF APPEARANCE from Peter J. Schwingler on behalf of Appellee(s) United Sugars Corporation. [22-2806] (DKH) [Entered: 10/17/2022 03:43 PM]
1 pg, 92.49 KB
- 10/26/2022 [34](#) ECF FILER: UNOPPOSED Motion filed by Appellant USA to seal District Court's Sealed Memorandum Opinion. Certificate of Service dated 10/26/2022. Service made by ECF. SEND TO MERITS PANEL [22-2806]--[Edited 11/21/2022 by EMA] (PMB) [Entered: 10/26/2022 01:34 PM]
5 pg, 318.01 KB
- 10/31/2022 [35](#)  ECF FILER: SEALED ELECTRONIC BRIEF on behalf of Appellant USA. Certificate of Service dated 10/31/2022 by ECF. [22-2806] (PMB) [Entered: 10/31/2022 11:57 PM]
0 pg, 0 KB
- 11/01/2022 [36](#) ECF FILER: UNOPPOSED Motion filed by Appellant USA to seal Portions of the Opening Brief and Joint Appendix. Certificate of Service dated 11/01/2022. Service made by ECF. SEND TO MERITS PANEL [22-2806]--[Edited 11/21/2022 by EMA] (PMB) [Entered: 11/01/2022 12:50 AM]
7 pg, 131.4 KB
- 11/01/2022 [37](#) ECF FILER: UNOPPOSED Motion filed by Appellant USA to lodge exhibits. Certificate of Service dated 11/01/2022. Service made by ECF. [22-2806] (PMB) [Entered: 11/01/2022 12:53 AM]
4 pg, 169.7 KB
- 11/01/2022 [38](#) ECF FILER: REDACTED ELECTRONIC BRIEF on behalf of Appellant USA. Certificate of Service dated 11/01/2022 by ECF. [22-2806] (PMB) [Entered: 11/01/2022 12:56 AM]
60 pg, 548.57 KB
- 11/01/2022 [39](#) ECF FILER: ELECTRONIC JOINT APPENDIX (Volume I) on behalf of Appellant USA. Certificate of service dated 11/01/2022 by ECF. [Entry edited to specify volume] [22-2806]--[Edited 11/01/2022 by EMA] (PMB) [Entered: 11/01/2022 01:51 AM]
76 pg, 1022.22 KB
- 11/01/2022 [40](#) ECF FILER: ELECTRONIC JOINT APPENDIX (Volume II) on behalf of Appellant USA. Certificate of service dated 11/01/2022 by ECF. [Entry edited to specify volume] [22-2806]--[Edited 11/01/2022 by EMA] (PMB) [Entered: 11/01/2022 01:52 AM]
1072 pg, 5.27 MB
- 11/01/2022 [41](#) ECF FILER: ELECTRONIC JOINT APPENDIX (Volume III) on behalf of Appellant USA. Certificate of service dated 11/01/2022 by ECF. [Entry edited to specify volume] [22-2806]--[Edited 11/01/2022 by EMA] (PMB) [Entered: 11/01/2022 01:54 AM]
117 pg, 14.73 MB
- 11/01/2022 [42](#) ECF FILER: ELECTRONIC JOINT APPENDIX (Volume IV) on behalf of Appellant USA. Certificate of service dated 11/01/2022 by ECF. [Entry edited to specify volume] [22-2806]--[Edited 11/01/2022 by EMA] (PMB) [Entered: 11/01/2022 01:56 AM]
274 pg, 37.26 MB
- 11/01/2022 [43](#) ECF FILER: ELECTRONIC JOINT APPENDIX (Volume V) on behalf of Appellant USA. Certificate of service dated 11/01/2022 by ECF. [Entry edited to specify volume] [22-2806]--[Edited 11/01/2022 by EMA] (PMB) [Entered: 11/01/2022 01:58 AM]
72 pg, 42.29 MB
- 11/01/2022 [44](#) ECF FILER: ELECTRONIC JOINT APPENDIX (Volume VI) on behalf of Appellant USA. Certificate of service dated 11/01/2022 by ECF. [Entry edited to specify volume] [22-2806]--[Edited 11/01/2022 by EMA] (PMB) [Entered: 11/01/2022 02:00 AM]
214 pg, 33.25 MB
- 11/01/2022 [45](#) ECF FILER: ELECTRONIC JOINT APPENDIX (Volume VII) on behalf of Appellant USA. Certificate of service dated 11/01/2022 by ECF. [Entry edited to specify volume] [22-2806]--[Edited 11/01/2022 by EMA] (PMB) [Entered: 11/01/2022 02:02 AM]
207 pg, 16.8 MB

- 11/01/2022 [46](#)  ECF FILER: SEALED ELECTRONIC JOINT APPENDIX (Volume VIII) on behalf of Appellant USA. Certificate of Service dated 11/01/2022 by ECF. [Entry edited to specify volume] [22-2806]--[Edited 11/01/2022 by EMA] (PMB) [Entered: 11/01/2022 02:03 AM]
0 pg, 0 KB
- 11/01/2022 [47](#)  ECF FILER: SEALED ELECTRONIC JOINT APPENDIX (Volume IX) on behalf of Appellant USA. Certificate of Service dated 11/01/2022 by ECF. [Entry edited to specify volume] [22-2806]--[Edited 11/01/2022 by EMA] (PMB) [Entered: 11/01/2022 02:05 AM]
0 pg, 0 KB
- 11/01/2022 [48](#)  ECF FILER: SEALED ELECTRONIC JOINT APPENDIX (Volume X) on behalf of Appellant USA. Certificate of Service dated 11/01/2022 by ECF. [Entry edited to specify volume] [22-2806]--[Edited 11/01/2022 by EMA] (PMB) [Entered: 11/01/2022 02:08 AM]
0 pg, 0 KB
- 11/01/2022 [49](#)  ECF FILER: SEALED ELECTRONIC JOINT APPENDIX (Volume XI) on behalf of Appellant USA. Certificate of Service dated 11/01/2022 by ECF. [Entry edited to specify volume] [22-2806]--[Edited 11/01/2022 by EMA] (PMB) [Entered: 11/01/2022 02:11 AM]
0 pg, 0 KB
- 11/01/2022 [50](#) ECF FILER: UNOPPOSED Motion filed by Appellant USA to amend Appellant's Opening Brief. Certificate of Service dated 11/01/2022. Service made by ECF. [22-2806] (PMB) [Entered: 11/01/2022 02:18 PM]
3 pg, 114.67 KB
- 11/01/2022 [51](#)  ECF FILER: SEALED CORRECTED ELECTRONIC BRIEF on behalf of Appellant USA. Certificate of Service dated 11/01/2022 by ECF. [22-2806] (PMB) [Entered: 11/01/2022 02:26 PM]
0 pg, 0 KB
- 11/01/2022 [52](#) ECF FILER: REDACTED CORRECTED ELECTRONIC BRIEF on behalf of Appellant USA. Certificate of Service dated 11/01/2022 by ECF. [Modifier added] [22-2806]--[Edited 11/01/2022 by EMA] (PMB) [Entered: 11/01/2022 02:29 PM]
60 pg, 430.46 KB
- 11/02/2022 [53](#) ECF FILER: UNOPPOSED Motion filed by Appellant USA to file Joint Appendix out of time. Certificate of Service dated 11/02/2022. Service made by ECF. [22-2806] (PMB) [Entered: 11/02/2022 02:55 PM]
3 pg, 115.68 KB
- 11/03/2022 54 TEXT ONLY ORDER (Clerk) granting Appellant's Uncontested Motion to Lodge a Portion of the Joint Appendix on Digital Media. Appellant must file four(4) separate U.S.B. flash drives containing the eight (8) trial exhibits along with certification that the files on the flash drives have been subject to a virus detection program and that no viruses were detected within seven (7) days of the date of this order. The certification does not need to be included on the flash drive but can be filed as a separate letter. Appellant must retrieve the exhibits within sixty (60) days of the conclusion of the appeal or the exhibits will be discarded. Appellant's Unopposed Motion for Leave to File the Joint Appendix Out of Time is granted with filing as of November 1, 2022. Appellant's Unopposed Motion to Amend the Brief is granted with filing as of November 1, 2022. Appellees' briefs must be filed and served within thirty (30) days of the date of this order. ---[Edited 11/04/2022 by ARR: TEXT ONLY ORDER AMENDED ON 11/04/2022 to correct deadlines for Appellees' brief and Appellant's reply brief]. (DW) [Entered: 11/03/2022 04:39 PM]
- 11/04/2022 55 AMENDED TEXT ONLY ORDER (Clerk) The Text Only Order entered on November 3, 2022 [ECF No. 54] is AMENDED as follows: Appellant's Uncontested Motion to Lodge a Portion of the Joint Appendix on Digital Media is GRANTED. Appellant must file four(4) separate U.S.B. flash drives containing the eight (8) trial exhibits, along with certification that the files on the flash drives have been subject to a virus detection program and that no viruses were detected, within seven (7) days of the date of this order. The certification does not need to be included on the flash drive but can be filed as a separate letter. Appellant must retrieve the exhibits within sixty (60) days of the conclusion of the appeal or the exhibits will be discarded. Appellant's Unopposed Motion for Leave to File the Joint Appendix Out of Time is GRANTED with filing as of November 1, 2022. Appellant's Unopposed Motion to Amend the Brief is GRANTED with filing as of November 1, 2022. **Pursuant to the Court's September 30, 2022 Order, Appellees' brief must be filed and served no later than November 21, 2022. Appellant's reply brief, if any, must be filed and served no later than 12/05/2022.,** (ARR) [Entered: 11/04/2022 12:32 PM]
- 11/04/2022 56 HARD COPY RECEIVED from Appellant USA - Redacted Brief. Copies: 7. Received: 8. (KEL) [Entered: 11/04/2022 01:41 PM]
- 11/04/2022 57 HARD COPY RECEIVED from Appellant USA - Brief (FILED UNDER SEAL). Copies: 7. Received: 8. (KEL) [Entered: 11/04/2022 01:42 PM]
- 11/04/2022 [58](#) ECF FILER: LETTER from Attorney Peter M. Bozzo, Esq. for Appellant USA regarding certification of virus protection for USB flash drives. Certificate of Service dated 11/04/2022. Service made by ECF. [22-2806] (PMB) [Entered: 11/04/2022 02:31 PM]
3 pg, 112.53 KB
- 11/04/2022 59 HARD COPY RECEIVED from Appellant USA - Joint Appendix. Copies: 4. Volumes: 11 (Volume I - VII - Redacted; Volumes VIII - XI - FILED UNDER SEAL) (EAF) [Entered: 11/04/2022 02:39 PM]
- 11/04/2022 60 [TRIAL EXHIBITS] on behalf of Appellant USA (Sealed and Unsealed). Location: Safe. SEND TO MERITS PANEL (EAF) [Entered: 11/04/2022 02:42 PM]
- 11/07/2022 [61](#) ECF FILER: ENTRY OF APPEARANCE from Katherine Van Dyck on behalf of Amicus Curiae American Economic Liberties Project. [22-2806] (KV) [Entered: 11/07/2022 02:16 PM]
1 pg, 294.91 KB
- 11/07/2022 [62](#) ECF FILER: DISCLOSURE STATEMENT on behalf of American Economic Liberties Project. [22-2806] (KV) [Entered: 11/07/2022 02:22 PM]
2 pg, 382.49 KB
- 11/07/2022 [63](#) ECF FILER: ENTRY OF APPEARANCE from Lee A. Hepner on behalf of Amicus Curiae American Economic Liberties Project. [22-2806] (LH) [Entered: 11/07/2022 02:57 PM]
1 pg, 102.96 KB
- 11/07/2022 [64](#) ECF FILER: ELECTRONIC AMICUS BRIEF on the merits on behalf of Amicus Appellant American Economic Liberties Project in support of Appellant/Petitioner. Certificate of Service dated 11/07/2022 by ECF. F.R.A.P. 29(a) Permission: YES. [22-2806]--[Edited 11/08/2022 by MS] (KV) [Entered: 11/07/2022
35 pg, 478.44 KB

- 03:11 PM]
- 11/10/2022 [65](#) HARD COPY RECEIVED from Amicus Appellant American Economic Liberties Project - Amicus Brief. Copies: 7. (LM) [Entered: 11/10/2022 12:03 PM]
- 11/18/2022 [66](#)
2 pg, 131.33 KB Calendared for Thursday, 01/19/2023. Calendar Clerk: PM. (PM) [Entered: 11/18/2022 03:04 PM]
- 11/21/2022 [67](#)
1 pg, 133.35 KB ECF FILER: ENTRY OF APPEARANCE from Peter T. Barbur on behalf of Appellee(s) Louis Dreyfus Company, LLC and Imperial Sugar Corporation. [22-2806] (KEF) [Entered: 11/21/2022 11:00 AM]
- 11/21/2022 [68](#)
1 pg, 132.97 KB ECF FILER: ENTRY OF APPEARANCE from David R. Marriott on behalf of Appellee(s) Louis Dreyfus Company, LLC and Imperial Sugar Corporation. [22-2806] (KEF) [Entered: 11/21/2022 11:01 AM]
- 11/21/2022 [69](#)
1 pg, 61.91 KB ORDER (Clerk) The foregoing motions are referred to the merits panel. The Clerk will hold the unredacted version of Appellant's opening brief and Volumes VIII -XI of the joint appendix provisionally under seal pending a ruling by the Court. (EMA) [Entered: 11/21/2022 06:27 PM]
- 11/21/2022 [70](#)
70 pg, 336.1 KB ECF FILER: JOINT ELECTRONIC BRIEF on behalf of Appellees United States Sugar Corp, Imperial Sugar Co, Louis Dreyfus Co LLC and United Sugars Corp. Certificate of Service dated 11/21/2022 by ECF. [22-2806] - [Entry edited by the Clerk to reflect all filers]--[Edited 11/22/2022 by MS] (MA) [Entered: 11/21/2022 11:45 PM]
- 11/22/2022 [71](#)
2 pg, 62.65 KB ECF FILER: ARGUMENT ACKNOWLEDGMENT filed by Attorney Melissa Arbus Sherry, Esq. for Appellee United States Sugar Corp. Certificate of Service dated 11/22/2022. Service made by ECF. [22-2806] (MA) [Entered: 11/22/2022 05:44 PM]
- 11/22/2022 72 Attorney Bar status modified for Peter T. Barbur, Esq. for Imperial Sugar Co and Louis Dreyfus Co LLC. Status is now active. (TMK) [Entered: 11/23/2022 08:45 AM]
- 11/25/2022 73 HARD COPY RECEIVED from Appellees Imperial Sugar Co, Louis Dreyfus Co LLC, United States Sugar Corp and United Sugars Corp - Brief. Copies: 7. (IDR) [Entered: 11/25/2022 10:02 AM]
- 11/25/2022 [74](#)
2 pg, 137.81 KB ECF FILER: ARGUMENT ACKNOWLEDGMENT filed by Attorney Peter M. Bozzo, Esq. for Appellant USA. Certificate of Service dated 11/25/2022. Service made by ECF. [22-2806] (PMB) [Entered: 11/25/2022 04:06 PM]
- 11/29/2022 [75](#)
1 pg, 123.22 KB ECF FILER: LETTER from Melissa Arbus Sherry, Esq. for Appellee United States Sugar Corp and Timothy G. Cameron, Esq. for Appellees Imperial Sugar Co and Louis Dreyfus Co LLC Letter to Clerk regarding completed acquisition. Certificate of Service dated 11/29/2022. Service made by ECF. [22-2806] (MA) [Entered: 11/29/2022 10:19 AM]
- 12/05/2022 [76](#)
36 pg, 270.79 KB ECF FILER: ELECTRONIC REPLY BRIEF on behalf of Appellant USA. Certificate of Service dated 12/05/2022 by ECF. [22-2806] (PMB) [Entered: 12/05/2022 11:47 PM]
- 12/07/2022 77 HARD COPY RECEIVED from Appellant USA - Reply Brief. Copies: 7. (SJB) [Entered: 12/07/2022 01:54 PM]
- 12/09/2022 [78](#)
1 pg, 97.71 KB ORDER (Clerk) granting Appellant's Uncontested Motions to Continue Impoundment of the District Court's Sealed Memorandum Opinion and for Leave to File Unredacted Opening Brief and Portion of Joint Appendix under Seal at the direction of the Court.--[Edited 12/09/2022 by JK] (JK) [Entered: 12/09/2022 02:24 PM]
- 12/21/2022 [79](#)
2 pg, 137.21 KB Oral Argument Notification for Wednesday, 01/18/2023. Setting & Time: Maris Courtroom / 9:30am. Location: Philadelphia, PA. (PM) [Entered: 12/21/2022 11:43 AM]
- 12/22/2022 80 ECF FILER: SUMMARY OF ORAL ARGUMENT submitted by Attorney Melissa Arbus Sherry, Esq. for Appellee United States Sugar Corp. Case Summary: Whether the district court correctly determined that the government failed to carry its evidentiary burden under Section 7 of the Clayton Act because it did not prove a properly defined relevant market. Post Video: YES. [22-2806] (MA) [Entered: 12/22/2022 05:22 PM]
- 12/26/2022 81 ECF FILER: SUMMARY OF ORAL ARGUMENT submitted by Attorney Peter M. Bozzo, Esq. for Appellant USA. Case Summary: Whether the District Court committed legal error in holding that the Government failed to establish a prima facie case of anticompetitive harm under Section 7 of the Clayton Act, 15 U.S.C. 18. Post Video: YES. [22-2806] (PMB) [Entered: 12/26/2022 08:12 PM]
- 01/18/2023 82 ARGUED on Wednesday, January 18, 2023. Panel: AMBRO, PORTER and FREEMAN, Circuit Judges. Melissa Arbus Sherry arguing for Appellee United States Sugar Corp; Peter M. Bozzo arguing for Appellant United States of America. (PM) [Entered: 01/18/2023 12:00 PM]
- 01/18/2023 [83](#)
0 pg, 0 KB COURT MINUTES OF ARGUED/SUBMITTED CASES. [22-2806, 21-2563, 22-1116, 22-1414, 22-1475, 22-1512, 22-2108] (PM) [Entered: 01/18/2023 12:02 PM]
- 01/19/2023 [84](#)
5 pg, 146.39 KB CLERK'S LETTER to counsel written at the direction of the Court. At the direction of the court, counsel are hereby directed to file a transcript of oral argument by Wednesday, February 01, 2023 in the above entitled case. Liaison counsel should immediately advise the Clerk's Office of the Court Reporter or agency handling the Transcription of oral argument. The parties shall divide the cost of the preparation of the transcript. (Please see letter attached for full text) (PM) [Entered: 01/19/2023 11:29 AM]
- 02/01/2023 [85](#)
85 pg, 338.02 KB ECF FILER: Transcript of oral argument on 01/18/2023 prepared at the direction of the Court. [22-2806] (CD) [Entered: 02/01/2023 11:32 AM]

04/14/2023 [86](#)
2 pg, 745.78 KB

ECF FILER: Notice of Withdrawal of Appearance of Peter J. Schwingler filed by Appellee United Sugars Corp. Certificate of Service dated 04/14/2023. Service made by ECF. [22-2806] (DKH) [Entered: 04/14/2023 02:41 PM]

Clear All

Documents and Docket Summary

Documents Only

Include Page Numbers

Selected Pages: Selected Size: (Max: 50 MB)

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

View Selected

PACER Service Center			
Transaction Receipt			
Third Circuit - 04/18/2023 14:33:08			
PACER Login:	wdc123456	Client Code:	
Description:	Docket Report (filtered)	Search Criteria:	22-2806
Billable Pages:	7	Cost:	0.70