

**General Docket**  
**United States Court of Appeals for District of Columbia Circuit**

<b>Court of Appeals Docket #:</b> 00-5362 <b>Nature of Suit:</b> 1410 Antitrust FTC v. H J Heinz Co, et al <b>Appeal From:</b> United States District Court for the District of Columbia <b>Fee Status:</b> Fee Waived	<b>Docketed:</b> 10/23/2000 <b>Termed:</b> 04/27/2001
<b>Case Type Information:</b> 1) Civil US 2) United States 3)	
<b>Originating Court Information:</b> <b>District:</b> 0090-1 : <a href="#">00cv01688</a> <span style="float: right;"><b>Lead:</b> <a href="#">00cv01688</a></span> <b>Court Reporter:</b> Dennis Dinkel <b>Court Reporter:</b> Miller Reporting <b>Trial Judge:</b> James Robertson, U.S. Senior District Judge <b>Date Filed:</b> 07/14/2000 <b>Date Order/Judgment:</b> 10/18/2000 <span style="float: right;"><b>Date NOA Filed:</b> 10/19/2000</span>	
<b>Prior Cases:</b> None	
<b>Current Cases:</b> None	
<b>Panel Assignment:</b> <b>Panel:</b> KLH ARR MBG <b>Date of Hearing:</b> 02/12/2001 <b>Date of Decision:</b> 04/27/2001 <b>Date Completed:</b> 04/27/2001	

Federal Trade Commission Plaintiff - Appellant	David C. Shonka, Esquire, Deputy Chief Counsel Direct: 202-326-2436 Email: <a href="mailto:dshonka@ftc.gov">dshonka@ftc.gov</a> Fax: 202-326-3198 [COR LD NTC Gvt US Agency] Federal Trade Commission (FTC) Office of General Counsel Firm: 202-326-3277 600 Pennsylvania Avenue, NW Washington, DC 20580  John F. Daly, Esquire Direct: 202-326-2244 Email: <a href="mailto:jdaly@ftc.gov">jdaly@ftc.gov</a> [COR Gvt US Agency] Federal Trade Commission (FTC) Office of General Counsel Room H 582 Firm: 202-326-3277 600 Pennsylvania Avenue, NW Washington, DC 20580  Debra Ann Valentine, General Counsel Direct: 202-326-2390 [COR Gvt US Agency] Federal Trade Commission (FTC) Office of General Counsel Room 568 Firm: 202-326-3277 600 Pennsylvania Avenue, NW Washington, DC 20580
v.	
H.J. Heinz Co. Defendant - Appellee	Edward Patrick Henneberry Direct: 202-339-8419 Email: <a href="mailto:thenneberry@orrick.com">thenneberry@orrick.com</a> Fax: 202-339-8500 [COR LD NTC Retained] Orrick, Herrington & Sutcliffe LLP Firm: 202-339-8400 1152 15th Street, NW Columbia Center Washington, DC 20005-1706  William Bradford Reynolds, Esquire, Attorney Email: <a href="mailto:bradford.reynolds@bakerbotts.com">bradford.reynolds@bakerbotts.com</a> [COR Retained] Howrey LLP Firm: 202-783-0800 1299 Pennsylvania Avenue, NW Washington, DC 20004-2402  Marc G. Schildkraut Direct: 202-912-2140 Email: <a href="mailto:marc.schildkraut@hellerehrman.com">marc.schildkraut@hellerehrman.com</a> Fax: 202-912-2020 [COR Retained]

Milnot Holding Corporation Defendant - Appellee	Heller Ehrman LLP Firm: 202-912-2000 1717 Rhode Island Avenue, NW Washington, DC 20036-1228
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State of Kansas	Amicus Curiae for Appellant	Ellen Schiff Cooper Direct: 410-576-6470 [COR LD NTC Gvt Non-Federal] (see above)
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State of New Hampshire	Amicus Curiae for Appellant	Ellen Schiff Cooper Direct: 410-576-6470 [COR LD NTC Gvt Non-Federal] (see above)
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State of South Dakota	Amicus Curiae for Appellant	Ellen Schiff Cooper Direct: 410-576-6470 [COR LD NTC Gvt Non-Federal] (see above)
State of Texas	Amicus Curiae for Appellant	Ellen Schiff Cooper Direct: 410-576-6470 [COR LD NTC Gvt Non-Federal] (see above)
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Territory of the Northern Mariana Islands	Amicus Curiae for Appellant	Ellen Schiff Cooper Direct: 410-576-6470 [COR LD NTC Gvt Non-Federal] (see above)
National Association of Manufacturers		Janice S. Amundson





Amicus Curiae



Direct: 202-637-3055  
[COR LD NTC Retained]  
(see above)

Manufacturers Alliance/MAPI, Inc.  
Amicus Curiae

Janice S. Amundson  
Direct: 202-637-3055  
[COR LD NTC Retained]  
(see above)

Federal Trade Commission,  
Plaintiff - Appellant  
v.  
H.J. Heinz Co.; Milnot Holding Corporation,  
Defendants - Appellees  
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Grocery Manufacturers Of America, Inc.; Citizens for a Sound Economy Foundation,  
Amici Curiae for Appellee  
State of Alaska; State of Arizona; State of Arkansas; State of California; State of Colorado; State of Connecticut; State of Florida; State of Hawaii; State of Idaho; State of Illinois; State of Indiana; State of Iowa; State of Kansas; State of Louisiana; State of Maryland; State of Michigan; State of Minnesota; State of Mississippi; State of Nevada; State of New Hampshire; State of New York; State of North Carolina; State of Ohio; State of Oklahoma; State of South Dakota; State of Texas; State of Utah; State of Vermont; State of Virginia; State of Washington; State of West Virginia; State of Wisconsin; State of Wyoming; District of Columbia; Commonwealth of Puerto Rico; Territory of the Northern Mariana Islands,  
Amici Curiae for Appellant  
National Association of Manufacturers; Manufacturers Alliance/MAPI, Inc.,  
Amici Curiae

10/23/2000	<input type="checkbox"/>	CIVIL-US CASE docketed. Notice of Appeal filed by Appellant FTC. [551456-1] [Entered: 10/23/2000 06:09 AM]
10/23/2000	<input type="checkbox"/>	CLERK'S ORDER filed directing Appellant to file [551457-1]: docketing statement; certificate of counsel; statement of issues; the lower court decision; procedural motions; the transcript status notice; the deferred appendix notice; and entry of appearance form due 11/22/00; dispositive motions due by 12/7/00. Directing Appellee to file [551457-2]: the certificate of counsel; procedural motions; counsel's entry of appearance form due by 11/22/00; dispositive motions due by 12/7/00. [Entry Date: 10/23/00] [Entered: 10/23/2000 06:09 AM]
10/23/2000	<input type="checkbox"/>	ENTRY OF APPEARANCE filed by Attorneys Richard G. Parker, David A. Balto, Debra Ann Valentine, John F. Daly, and David C. Shonka for Appellant FTC [551687-1]. [Entered: 10/23/2000 04:25 PM]
10/23/2000	<input type="checkbox"/>	MOTION filed (with attached appendicies) by Appellant FTC (certificate of service dated 10/23/00) for an injunction pending appeal [551689-1], to expedite appeal [551689-2]. Response is due by 11/2/00. [Entered: 10/23/2000 04:27 PM]
10/23/2000	<input type="checkbox"/> 	PER CURIAM ORDER filed, on the court's own motion, that appellees hand-serve and hand-file a response to the emergency motion for injunction pending appeal [551689-1] and to expedite appeal [551689-2] by 4:00 p.m., Wednesday, October 25, 2000, and that the Federal Trade Commission hand-serve and hand-file any reply by 9:00 a.m., Friday, October 27, 2000. Before Circuit Judges: Tatel, Garland. [Entry Date: 10/23/00] [Entered: 10/23/2000 06:57 PM]
		1 pg, 6.59 KB
10/24/2000	<input type="checkbox"/>	LETTER filed by Appellant FTC advising that "Appendix N" in the appendicies filed on 10/23/00 is not to be considered, as it is not part of the record [551791-1]. Letter dated 10/24/00. [Entered: 10/24/2000 10:40 AM]
10/24/2000	<input type="checkbox"/>	ENTRY OF APPEARANCE filed by Attorneys William Reynolds, Marc G. Schildkraut and Edward P. Henneberry for Appellee Heinz H. J. Co [551901-1]. [Entered: 10/24/2000 01:17 PM]
10/25/2000	<input type="checkbox"/>	ENTRY OF APPEARANCE filed by Attorneys William Reynolds, Marc Schildkraut, and Edward Henneberry for Appellee Heinz H.J. Co. [552369-1]. [Entered: 10/26/2000 07:00 AM]
10/25/2000	<input type="checkbox"/>	ENTRY OF APPEARANCE filed by Attorney Mark Lee Kovner for Appellee Milnot Holding Corporation [552392-1]. [Entered: 10/26/2000 08:07 AM]
10/25/2000	<input type="checkbox"/>	INITIAL SUBMISSIONS filed by Appellee Milnot Holding Corp. [552393-1]: certificate of counsel. [Entered: 10/26/2000 08:12 AM]
10/25/2000	<input type="checkbox"/>	STATEMENT filed by Appellee Milnot Holding Corp pursuant to FRAP 26.1 providing the corporate disclosure listing (Contained in Appellees Certificate of Counsel) [552394-1]. Certificate of Service date 10/25/00. [Entered: 10/26/2000 08:13 AM]
10/25/2000	<input type="checkbox"/>	OPPOSITION filed [552397-1] (5 copies) by Appellee Milnot Holding Corp. (certificate of service dated 10/25/00) to appellant's emergency motion an injunction pending appeal [551689-1]. [UNDER SEAL IN VAULT]. [Entered: 10/26/2000 08:17 AM]
10/25/2000	<input type="checkbox"/>	INITIAL SUBMISSIONS filed by Appellee H.J. Heinz Co [552400-1]: certificate of counsel. [Entered: 10/26/2000 08:23 AM]
10/25/2000	<input type="checkbox"/>	OPPOSITION filed (with appendicies) [552403-1] by Appellee H. J. Heinz Co. (certificate of service dated 10/25/00) to appellant's emergency motion for injunction pending appeal [551689-1]. [Entered: 10/26/2000 08:25 AM]
10/27/2000	<input type="checkbox"/>	REPLY filed [552647-1] (6 copies) by Appellant FTC (certificate of personal service dated October 27, 2000) in support of its emergency motion for injunction pending appeal [551689-1]. [Entered: 10/27/2000 09:37 AM]
11/02/2000	<input type="checkbox"/>	SUPPLEMENT (Original version of affidavit "Appendix B") [554614-1] to the opposition to appellant's motion for injunction pending appeal [552403-1] filed by Appellee H.J. Heinz, Co. [Entered: 11/03/2000 10:44 AM]
11/08/2000	<input type="checkbox"/> 	PER CURIAM ORDER filed granting the motion for injunction pending appeal [551689-1] and to expedite appeal [551689-2] for the reasons stated in the accompanying memorandum. [SEE THE ATTACHED MEMORANDUM]. The briefing schedule and oral argument date will be set by separate order. Before Judges: Ginsburg, Tatel, and Garland. [Entry Date: 11/8/00] [Entered: 11/08/2000 04:04 PM]
		3 pg, 16.69 KB
11/09/2000	<input type="checkbox"/> 	PER CURIAM ORDER filed considering the court's 11/8/00 granting appellant's motion for expediting and establishing the initial briefing schedule [555959-1] : Appellant's brief due on 11/29/00 ; Appellant's appendix due on 11/29/00 ; Appellee's brief due on 12/29/00 ; Appellant's reply brief due on 1/8/01. Clerk directed to calendar case for argument on earliest available date. Before Judges Ginsburg, Tatel, Garland . [Entry Date: 11/9/00] (Lister, Mary) [Entered: 11/09/2000 05:11 PM]
		1 pg, 5.34 KB
11/15/2000	<input type="checkbox"/>	MOTION filed (5 copies) by Appellees Heinz H J Co, Milnot Hold Corp (certificate of service dated 11/15/00) to extend time to file [557478-1] a Per Curiam order establishing the initial briefing schedule [555959-1] until 12/19/00. Response due on 11/28/00. STYLED AS MOTION TO MODIFY THE EXPEDITED BRIEFING SCHEDULE [Entered: 11/20/2000 03:34 PM]
11/15/2000	<input type="checkbox"/>	OPPOSITION filed [557499-1] (5 copies) by Appellant FTC (certificate of service dated 11/15/00) to a motion extend time [557478-1]. STYLED AS AN OPPOSITION TO THE MOTION TO MODIFY EXPEDITED BRIEFING SCHEDULE [Entered: 11/20/2000 04:05 PM]
11/21/2000	<input type="checkbox"/> 	PER CURIAM ORDER filed denying motion [557478-1] filed by Heinz H J Co, Milnot Hold Corp to modify the expedited briefing schedule. (See order for details.) Before Judges Ginsburg, Tatel, Garland . [Entry Date: 11/21/00] [Entered: 11/21/2000 03:17 PM]
		1 pg, 5.37 KB
11/21/2000	<input type="checkbox"/>	CLERK'S ORDER filed to schedule oral argument [557765-1] before Judge Initials: KLH ARR MBG on 2/12/01 at 9:30 AM . [Entry Date: 11/21/00] [Entered: 11/21/2000 03:18 PM]
11/22/2000	<input type="checkbox"/>	ENTRY OF APPEARANCE filed by Attorneys Debra Ann Valentine John F. Daly, David C. Shonka for Appellant FTC [558416-1]. [Entered: 11/27/2000 12:23 PM]
11/22/2000	<input type="checkbox"/>	INITIAL SUBMISSIONS filed by Appellant FTC [558417-1]: docketing statement; certificate of counsel; statement of issues; lower court decision; the deferred appendix notice (Deferred Appendix needed = n). [Entered: 11/27/2000 12:25 PM]
11/22/2000	<input type="checkbox"/>	NOTICE filed by the Appellant FTC FINAL transcript status notice [558420-1]. Transcripts are completed and received (Daily Copy). Certificate of service date 11/22/00. [Entered: 11/27/2000 12:26 PM]
11/29/2000	<input type="checkbox"/>	BRIEF filed by Appellant FTC [560148-1]. (Copies: 15). Certificate of service date 11/29/00. [Entered: 12/03/2000 04:08 PM]
11/29/2000	<input type="checkbox"/>	BRIEF filed by Appellant FTC [560149-1]. (Copies: 8). Certificate of service date 11/29/00. [UNDER SEAL

		IN VAULT] [Entered: 12/03/2000 04:10 PM]
11/29/2000	<input type="checkbox"/>	PUBLIC JOINT APPENDIX filed [565405-1]. Copies: 7. (VOLS I - XV) Certificate of service date 11/29/00. [VOLUMES I AND V ARE COMPLETELY PUBLIC, THE REMAINING ARE EITHER PARTIALLY OR ENTIRELY UNDER SEAL]. [Entered: 12/28/2000 02:22 PM]
11/29/2000	<input type="checkbox"/>	JOINT APPENDIX filed [565413-1]. Copies: 7. (Volumes II-IV and VI-XV) [UNDER SEAL IN VAULT]. Certificate of service date 11/29/00. [Entered: 12/28/2000 02:27 PM]
12/06/2000	<input type="checkbox"/>	NOTICE filed of intention to participate as amicus curiae [566498-1] by St AK, St AZ, St AR, St CA, St CO, St CT, St FL, St HI, St ID, St IL, St IN, St IA, St KS, St LA, St MD, St MI, St MN, St MS, St NV, St NH, St NY, St NC, St OH, St OK, St SD, St TX, St UT, St VT, St VA, St WA, St WV, St WI, St WY, DC, Cm PR, Territory No Mariana . Certificate of service date 12/6/00 . [Entered: 01/03/2001 04:31 PM]
12/06/2000	<input type="checkbox"/>	BRIEF lodged by Amicus Curiae for Appellants St AK, et al. [566514-1] . Copies: 14 . Certificate of service date 12/6/00. [REPLACED WITH CORRECTED BRIEF FILED ON 1/9/01 - ID# 5671433] [Entered: 01/03/2001 05:11 PM]
12/22/2000	<input type="checkbox"/>	NOTICE filed of intention to participate as amicus curiae [566474-1] by Grocery Mfr Amer . Certificate of service date 12/22/00 . [Entered: 01/03/2001 03:20 PM]
12/22/2000	<input type="checkbox"/>	NOTICE filed of intention to participate as amicus curiae [566475-1] by Ctzn Sound Econ Fdn . Certificate of service date 12/22/00 . [Entered: 01/03/2001 03:22 PM]
12/29/2000	<input type="checkbox"/>	BRIEF filed by Appellees Heinz H J Co, and Milnot Hold Corp [565876-1]. Copies: 15. Certificate of service date 12/29/00. [PUBLIC COPY]. [Entered: 12/29/2000 02:30 PM]
12/29/2000	<input type="checkbox"/>	BRIEF filed by Appellees Heinz H J Co, and Milnot Hold Corp [565881-1]. Copies: 7. Certificate of service date 12/29/00. [UNDER SEAL IN THE VAULT]. [Entered: 12/29/2000 02:33 PM]
12/29/2000	<input type="checkbox"/>	BRIEF filed by Amicus Curiae Ctzn Sound Econ Fdn [566477-1] Copies: 14 . Certificate of service date 12/29/00. [Entered: 01/03/2001 03:34 PM]
12/29/2000	<input type="checkbox"/>	BRIEF lodged by Amicus Curiae for Appellee Grocery Mfr Amer [566491-1]. Copies: 14 . Certificate of service date 12/26/00. [Entered: 01/03/2001 04:15 PM]
01/03/2001	<input type="checkbox"/>	MOTION filed (5 copies) by Appellant FTC (certificate of service dated 1/3/01 ) to extend time to file [566860-1] a reply brief as set by Per Curiam order establishing the initial briefing schedule [555959-1] until 1/10/01 . (Lister, Mary) [Entered: 01/05/2001 11:14 AM]
01/04/2001	<input type="checkbox"/>	MOTION filed (5 copies) (certificate of service dated 1/4/01) to allow amicus curiae [567416-1], for leave to join in [567416-2] brief [566491-1] of amicus Grocery Mfr Amer. Motion filed by Natl Assn Mfr, Mfr Alli MAPI Inc. [Entered: 01/09/2001 09:57 AM]
01/08/2001	<input type="checkbox"/>	CLERK'S ORDER filed granting motion extend time filed by FTC [566860-1]; [555959-1] Appellant's reply brief now due on 1/10/01. [Entry Date: 1/8/01] [Entered: 01/08/2001 12:44 PM]
01/09/2001	<input type="checkbox"/>	BRIEF filed by Amici Curiae for Appellants St AK, et al. [567433-1] . Copies: 14 . Certificate of service date 1/09/01. [REPLACES BRIEF LODGED ON 12/06/00 - ID# 566514] [Entered: 01/09/2001 10:17 AM]
01/10/2001	<input type="checkbox"/>	CLERK'S ORDER filed granting non-party motion for leave to participate as amici and to join in the brief of the Grocery Manufacturers of America, Inc. filed by Nat'l Assn of Manufacturers and the Manufacturers Alliance/MAPI, Inc.; Clerk directed to file the lodged brief. [567416-2] [567416-1] [566491-1] . [Entry Date: 1/10/01] [Entered: 01/10/2001 02:17 PM]
01/10/2001	<input type="checkbox"/>	PER ABOVE ORDER lodged brief of amici [566491-1] is filed. [Entered: 01/10/2001 02:19 PM]
01/10/2001	<input type="checkbox"/>	REPLY BRIEF filed by Appellant FTC [568524-1]. Copies: 7 Certificate of service date 1/10/01. [UNDER SEAL IN VAULT] [Entered: 01/12/2001 08:09 AM]
01/10/2001	<input type="checkbox"/>	REPLY BRIEF filed by Appellant FTC [568527-1]. Copies: 15. Certificate of service date 1/10/01. [PUBLIC COPY] [Entered: 01/12/2001 08:31 AM]
02/01/2001	<input type="checkbox"/> 	PER CURIAM ORDER filed to allocate oral argument times: APET minutes- 15 ERES minutes- 15. [573378-1], one counsel per side to argue. [573378-2] Oral argument scheduled for 2/12/01, Form 72 notice of attorney arguing case - [573378-3] due 2/7/01. [Entry Date: 2/1/01] [Entered: 02/01/2001 10:55 AM]
02/05/2001	<input type="checkbox"/>	SUPPLEMENT (Errata Sheet) to [574397-1] appellees brief [565876-1] filed by Appellees H.J. Heinz, Co., and Milnot Holding Corp. [ONE COPY PLACED IN EACH VERSION OF THE BRIEF] [Entered: 02/07/2001 09:05 AM]
02/06/2001	<input type="checkbox"/>	FORM 72 filed by Attorney Debra Ann Valentine [574411-1] on behalf of appellant FTC [574411-2] . [Entered: 02/07/2001 09:50 AM]
02/07/2001	<input type="checkbox"/>	FORM 72 filed by Attorney Edward P. Henneberry [574410-1] on behalf of appellee HJ Heinz Co. [574410-2] . [Entered: 02/07/2001 09:49 AM]
02/08/2001	<input type="checkbox"/>	LETTER filed advising that Appellee Heinz H J Co anticipates using certain exhibits at oral argument. [575080-1] Certificate of service date 2/8/01 . [Entered: 02/09/2001 11:19 AM]
02/12/2001	<input type="checkbox"/>	ORAL ARGUMENT HELD before Henderson, Randolph, Garland . [Entered: 02/12/2001 04:07 PM]
03/02/2001	<input type="checkbox"/>	TRANSCRIPT of oral argument held on 2/12/01. [551455-1] [Entered: 03/02/2001 10:50 AM]
04/27/2001	<input type="checkbox"/>	JUDGMENT reversing the District Court's denial of preliminary injunctive relief and [592629-1] remanding case to District Court for further proceedings consistent with accompanying opinion. [592629-2] Before Judges Henderson, Randolph, Garland . [Entry Date: 4/27/01] [Entered: 04/27/2001 11:17 AM]
04/27/2001	<input type="checkbox"/> 	OPINION ( 31 pgs ) for the Court filed by Judge Henderson [Entered: 04/27/2001 11:27 AM]
04/27/2001		CLERK'S ORDER filed The Clerk is directed to withhold issuance of the mandate pending disposition of any timely petition for rehearing. . [Entry Date: 4/27/01] [Entered: 04/27/2001 11:29 AM]
06/20/2001	<input type="checkbox"/>	MANDATE ISSUED to Clerk, District Court [604452-1] [Entered: 06/20/2001 10:47 AM]
03/28/2007	<input type="checkbox"/>	CLERK'S FILE RETIRED [1321546] - The following NARA information may be used to locate the archived clerks file at the Federal Records Center - Accession Number: 276-07-0005; Location Number: 05/61-29-1-5; Box Number: 45. [00-5360, 00-5361, 00-5362, 00-5363, 00-5364, 00-5365, 00-5366, 00-5367, 00-5368, 00-5369] [Entered: 07/29/2011 01:02 PM]
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