

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

**Court of Appeals Docket #:** 15-35257**Docketed:** 04/07/2015**Nature of Suit:** 3410 Antitrust**Termed:** 05/03/2016

Jeff Boardman, et al v. Pacific Seafood Group, et al

**Appeal From:** U.S. District Court for Oregon, Medford**Fee Status:** Paid**Case Type Information:**

- 1) civil
- 2) private
- 3) null

**Originating Court Information:****District:** 0979-1 : [1:15-cv-00108-MC](#)**Court Reporter:** Melanie Jean Savord**Court Reporter:** Bonita Jean Shumway, Official Court Reporter**Court Reporter:** Cynthia Jean Thomas-Klosterman, Certified Shorthand Reporter**Trial Judge:** Owen M. Panner, Senior District Judge**Date Filed:** 01/22/2015**Date Order/Judgment:**

03/06/2015

**Date Order/Judgment EOD:**

03/06/2015

**Date NOA Filed:**

04/06/2015

**Date Rec'd COA:**

04/06/2015

**Prior Cases:**

None

**Current Cases:**

	<b>Lead</b>	<b>Member</b>	<b>Start</b>	<b>End</b>
Consolidated				
	15-35257	<a href="#">15-35504</a>	07/23/2015	

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DULCICH SURIMI, LLC  
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PACIFIC GROUP TRANSPORT, CO.  
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PACIFIC MARKETING GROUP, INC.  
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[COR NTC Retained]  
(see above)

Rachel C. Lee, Attorney  
[COR NTC Retained]  
(see above)

Timothy W. Snider, Attorney  
[COR NTC Retained]  
(see above)



SEACLIFF SEAFOODS, INC.  
Defendant - Appellant,

John Wesley Stephens, Esquire, Attorney  
[COR NTC Retained]  
(see above)

Kim T. Buckley, Attorney  
[COR NTC Retained]  
(see above)

Michael John Esler, Esquire, Attorney  
[COR NTC Retained]  
(see above)

Rachel C. Lee, Attorney  
[COR NTC Retained]  
(see above)

Timothy W. Snider, Attorney  
[COR NTC Retained]  
(see above)

John Wesley Stephens, Esquire, Attorney  
[COR NTC Retained]  
(see above)

COPPER RIVER RESOURCE HOLDING CO., INC.  
Defendant - Appellant,

Kim T. Buckley, Attorney  
[COR NTC Retained]  
(see above)

Michael John Esler, Esquire, Attorney  
[COR NTC Retained]  
(see above)

Rachel C. Lee, Attorney  
[COR NTC Retained]  
(see above)

Timothy W. Snider, Attorney  
[COR NTC Retained]  
(see above)

John Wesley Stephens, Esquire, Attorney  
[COR NTC Retained]  
(see above)

PACIFIC COPPER RIVER ACQUISITION CO., INC.  
Defendant - Appellant,

Kim T. Buckley, Attorney  
[COR NTC Retained]  
(see above)

Michael John Esler, Esquire, Attorney  
[COR NTC Retained]  
(see above)

Rachel C. Lee, Attorney  
[COR NTC Retained]  
(see above)

Timothy W. Snider, Attorney  
[COR NTC Retained]  
(see above)

John Wesley Stephens, Esquire, Attorney  
[COR NTC Retained]  
(see above)

SEA LEVEL SEAFOODS ACQUISITION, INC.  
Defendant - Appellant,

Kim T. Buckley, Attorney  
[COR NTC Retained]  
(see above)

Michael John Esler, Esquire, Attorney  
[COR NTC Retained]  
(see above)

Rachel C. Lee, Attorney  
[COR NTC Retained]  
(see above)

Timothy W. Snider, Attorney  
[COR NTC Retained]  
(see above)

John Wesley Stephens, Esquire, Attorney  
[COR NTC Retained]  
(see above)

ISLAND COHO, LLC  
Defendant - Appellant,

Kim T. Buckley, Attorney  
[COR NTC Retained]  
(see above)

Michael John Esler, Esquire, Attorney  
[COR NTC Retained]  
(see above)

Rachel C. Lee, Attorney  
[COR NTC Retained]  
(see above)

Timothy W. Snider, Attorney  
[COR NTC Retained]  
(see above)

John Wesley Stephens, Esquire, Attorney  
[COR NTC Retained]  
(see above)

S&S SEAFOOD CO., INC.  
Defendant - Appellant,

Kim T. Buckley, Attorney  
[COR NTC Retained]  
(see above)

Michael John Esler, Esquire, Attorney  
[COR NTC Retained]  
(see above)

Rachel C. Lee, Attorney  
[COR NTC Retained]  
(see above)

Timothy W. Snider, Attorney  
[COR NTC Retained]  
(see above)

John Wesley Stephens, Esquire, Attorney  
[COR NTC Retained]  
(see above)

PACIFIC SEAFOOD DISC., INC.  
Defendant - Appellant,

Kim T. Buckley, Attorney  
[COR NTC Retained]  
(see above)

Michael John Esler, Esquire, Attorney  
[COR NTC Retained]

DULCICH REALTY, LLC  
Defendant - Appellant,

(see above)

Rachel C. Lee, Attorney  
[COR NTC Retained]  
(see above)

Timothy W. Snider, Attorney  
[COR NTC Retained]  
(see above)

John Wesley Stephens, Esquire, Attorney  
[COR NTC Retained]  
(see above)

Kim T. Buckley, Attorney  
[COR NTC Retained]  
(see above)

Michael John Esler, Esquire, Attorney  
[COR NTC Retained]  
(see above)

Rachel C. Lee, Attorney  
[COR NTC Retained]  
(see above)

Timothy W. Snider, Attorney  
[COR NTC Retained]  
(see above)

John Wesley Stephens, Esquire, Attorney  
[COR NTC Retained]  
(see above)

DULCICH REALTY ACQUISITION, LLC  
Defendant - Appellant,

Kim T. Buckley, Attorney  
[COR NTC Retained]  
(see above)

Michael John Esler, Esquire, Attorney  
[COR NTC Retained]  
(see above)

Rachel C. Lee, Attorney  
[COR NTC Retained]  
(see above)

Timothy W. Snider, Attorney  
[COR NTC Retained]  
(see above)

John Wesley Stephens, Esquire, Attorney  
[COR NTC Retained]  
(see above)

DULCICH JET, LLC  
Defendant - Appellant,

Kim T. Buckley, Attorney  
[COR NTC Retained]  
(see above)

Michael John Esler, Esquire, Attorney  
[COR NTC Retained]  
(see above)

Rachel C. Lee, Attorney  
[COR NTC Retained]  
(see above)

OCEAN COMPANIES HOLDING CO., LLC  
Defendant - Appellant,

Timothy W. Snider, Attorney  
[COR NTC Retained]  
(see above)

John Wesley Stephens, Esquire, Attorney  
[COR NTC Retained]  
(see above)

Kim T. Buckley, Attorney  
[COR NTC Retained]  
(see above)

Michael John Esler, Esquire, Attorney  
[COR NTC Retained]  
(see above)

Rachel C. Lee, Attorney  
[COR NTC Retained]  
(see above)

John Wesley Stephens, Esquire, Attorney  
[COR NTC Retained]  
(see above)

JEFF BOARDMAN; DENNIS RANKIN; ROBERT SEITZ; TODD L. WHALEY; SOUTH BAY WILD, INC.; LLOYD D. WHALEY; MISS SARAH, LLC; MY FISHERIES, INC.,

Plaintiffs - Appellees,

v.

PACIFIC SEAFOOD GROUP; OCEAN GOLD HOLDING CO., INC.; DULCICH INC.; FRANK DULCICH; PACIFIC SEAFOOD GROUP ACQUISITION COMPANY, INC.; PACIFIC SEAFOOD WASHINGTON ACQUISITION CO., INC.; BANDON PACIFIC, INC.; BIO-OREGON PROTEIN, INC.; PACIFIC CHOICE SEAFOOD COMPANY; PACIFIC COAST SEAFOODS COMPANY; PACIFIC GARIBALDI, INC.; PACIFIC GOLD SEAFOOD COMPANY; PACIFIC PRIDE SEA FOOD COMPANY; PACIFIC SEA FOOD CO.; PACIFIC SURIMI CO., INC.; PACIFIC TUNA COMPANY, LLC; WASHINGTON CRAB PRODUCERS, INC.; PACIFIC ALASKA SHELLFISH, INC.; SEA LEVEL SEAFOODS, LLC; ISLAND FISH CO., LLC; PACIFIC RESURRECTION BAY; PACIFIC CONQUEST, INC.; CALAMARI, LLC; JO MARIE LLC; LESLIE LEE, LLC; MISS PACIFIC, LLC; PACIFIC FUTURE, LLC; PACIFIC GRUMPY J, LLC; PACIFIC HOOKER, LLC; PACIFIC HORIZON, LLC; PACIFIC KNIGHT, LLC; PRIVATEER LLC; SEA PRINCESS, LLC; TRIPLE STAR, LLC; PACIFIC FISHING, LLC; PACIFIC SEA FOOD OF ARIZONA, INC.; STARFISH INVESTMENTS, INC.; DULCICH SURIMI, LLC; BIO-OREGON PROPERTIES, LLC; PACIFIC GROUP TRANSPORT, CO.; PACIFIC MARKETING GROUP, INC.; PACIFIC RUSSIA, INC.; PACIFIC RUSSIA VENTURES, LLC; PACIFIC TUNA HOLDING COMPANY, INC.; POWELL STREET MARKET, LLC; PACIFIC FRESH SEA FOOD COMPANY; SEACLIFF SEAFOODS, INC.; COPPER RIVER RESOURCE HOLDING CO., INC.; PACIFIC COPPER RIVER ACQUISITION CO., INC.; SEA LEVEL SEAFOODS ACQUISITION, INC.; ISLAND COHO, LLC; S&S SEAFOOD CO., INC.; PACIFIC SEAFOOD DISC., INC.; DULCICH REALTY, LLC; DULCICH REALTY ACQUISITION, LLC; DULCICH JET, LLC; OCEAN COMPANIES HOLDING CO., LLC,

Defendants - Appellants.

- 04/07/2015  [1](#)  
16 pg, 1.51 MB  
DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. SEND MQ: Yes. The schedule is set as follows: to be set. Preliminary Injunction Appeal. C.R. 3-3. Mediation Questionnaire due on 04/14/2015. [9486165] (IV) [Entered: 04/07/2015 09:59 AM]
- 04/07/2015  [2](#)  
2 pg, 42.56 KB  
Filed clerk order: (KK) The appeal filed April 6, 2015 is a preliminary injunction appeal. Accordingly, Ninth Circuit Rule 3-3 shall apply. The mediation questionnaire remains due April 14, 2015. If they have not already done so, within 7 calendar days after the filing date of this order, the parties shall make arrangements to obtain from the court reporter an official transcript of proceedings in the district court that will be included in the record on appeal. The briefing schedule shall proceed as follows: the opening brief and excerpts of record are due not later than May 4, 2015; the answering brief is due June 1, 2015 or 28 days after service of the opening brief, whichever is earlier; and the optional reply brief is due within 14 days after service of the answering brief. See 9th Cir. R. 3-3(b). The parties are reminded that streamlined requests for extensions of time are not available in preliminary injunction appeals. See [http://www.ca9.uscourts.gov/content/view.php?pk\\_id=0000000638](http://www.ca9.uscourts.gov/content/view.php?pk_id=0000000638). Any request for an extension of time must be requested under Ninth Circuit Rule 31-2.2(b). Failure to file timely the opening brief shall result in the automatic dismissal of this appeal by the Clerk for failure to prosecute. See 9th Cir. R. 42-1. [9487456] (KD) [Entered: 04/07/2015 05:03 PM]
- 04/14/2015  [3](#)  
7 pg, 70.29 KB  
Filed (ECF) Appellants Bandon Pacific, Inc., Bio-Oregon Properties, LLC, Bio-Oregon Protein, Inc., Calamari, LLC, Copper River Resource Holding Co., Inc., Dulcich Inc., Dulcich Jet, LLC, Dulcich Realty Acquisition, LLC, Dulcich Realty, LLC, Dulcich Surimi, LLC, Frank Dulcich, Island Coho, LLC, Island Fish Co., LLC, Jo Marie LLC, Leslie Lee, LLC, Miss Pacific, LLC, Ocean Companies Holding Co., LLC, Ocean Gold Holding Co., Inc., Pacific Alaska Shellfish, Inc., Pacific Choice Seafood Company, Pacific Coast Seafoods Company, Pacific Conquest, Inc., Pacific Copper River Acquisition Co., Inc., Pacific Fishing, LLC, Pacific Fresh Sea Food Company, Pacific Future, LLC, Pacific Garibaldi, Inc., Pacific Gold Seafood Company, Pacific Group Transport, Co., Pacific Grumpy J, LLC, Pacific Hooker, LLC, Pacific Horizon, LLC, Pacific Knight, LLC, Pacific Marketing Group, Inc., Pacific Pride Sea Food Company, Pacific Resurrection Bay, Pacific Russia Ventures, LLC, Pacific Russia, Inc., Pacific Sea Food Co., Pacific Sea Food of Arizona, Inc., Pacific Seafood Disc., Inc., Pacific Seafood Group, Pacific Seafood Washington Acquisition Co., Inc., Pacific Seafood Group Acquisition Company, Inc., Pacific Surimi Co., Inc., Pacific Tuna Company, LLC, Pacific Tuna Holding Company, Inc., Powell Street Market, LLC, Privateer LLC, S&S Seafood Co., Inc., Sea Level Seafoods Acquisition, Inc., Sea Level Seafoods, LLC, Sea Princess, LLC, Seacliff Seafoods, Inc., Starfish Investments, Inc., Triple Star, LLC and Washington Crab Producers, Inc. Mediation Questionnaire. Date of service: 04/14/2015. [9495856] [15-35257] (Lee, Rachel) [Entered: 04/14/2015 06:10 PM]
- 05/04/2015  [4](#)  
682 pg, 23.15 MB  
Submitted (ECF) Opening Brief and excerpts of record for review. Submitted by Appellants Bandon Pacific, Inc., Bio-Oregon Properties, LLC, Bio-Oregon Protein, Inc., Calamari, LLC, Copper River Resource Holding Co., Inc., Dulcich Inc., Dulcich Jet, LLC, Dulcich Realty Acquisition, LLC, Dulcich Realty, LLC, Dulcich Surimi, LLC, Frank Dulcich, Island Coho, LLC, Island Fish Co., LLC, Jo Marie LLC, Leslie Lee, LLC, Miss Pacific, LLC, Ocean Companies Holding Co., LLC, Ocean Gold Holding Co., Inc., Pacific Alaska Shellfish, Inc., Pacific Choice Seafood Company, Pacific Coast Seafoods Company, Pacific Conquest, Inc., Pacific Copper River Acquisition Co., Inc., Pacific Fishing, LLC, Pacific Fresh Sea Food Company, Pacific Future, LLC, Pacific Garibaldi, Inc., Pacific Gold Seafood Company, Pacific Group Transport, Co., Pacific Grumpy J, LLC, Pacific Hooker, LLC, Pacific Horizon, LLC, Pacific Knight, LLC, Pacific Marketing Group, Inc., Pacific Pride Sea Food Company, Pacific Resurrection Bay, Pacific Russia Ventures, LLC, Pacific Russia, Inc., Pacific Sea Food Co., Pacific Sea Food of Arizona, Inc., Pacific Seafood Disc., Inc., Pacific Seafood Group, Pacific Seafood Group Acquisition Company, Inc., Pacific Seafood Washington Acquisition Co., Inc., Pacific Surimi Co., Inc., Pacific Tuna Company, LLC, Pacific Tuna Holding Company, Inc., Powell Street Market, LLC, Privateer LLC, S&S Seafood Co., Inc., Sea Level Seafoods Acquisition, Inc., Sea Level Seafoods, LLC, Sea Princess, LLC, Seacliff Seafoods, Inc., Starfish Investments, Inc., Triple Star, LLC and Washington Crab Producers, Inc.. Date of service: 05/04/2015. [9523745] [15-35257] --[COURT UPDATE: Attached corrected brief and excerpts of record. 05/05/2015 by TL] (Snider, Timothy) [Entered: 05/04/2015 11:40 AM]
- 05/05/2015  [5](#)  
2 pg, 186.79 KB  
Filed clerk order: The opening brief [\[4\]](#) submitted by appellants is filed. Within 7 days of the filing of this order, filer is ordered to file 7 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 paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. The Court has reviewed the excerpts of record [\[4\]](#) submitted by appellants. Within 7 days of this order, filer is ordered to file 4 copies of the excerpts in paper format, with a white cover. The paper copies must be in the format described in 9th Circuit Rule 30-1.6. [9525788] (LA) [Entered: 05/05/2015 02:11 PM]
- 05/07/2015  [6](#)  
Filed Appellants' paper copies of excerpts of record [\[4\]](#) in 4 volume(s). [9529112] (KT) [Entered: 05/07/2015 01:27 PM]
- 05/07/2015  [7](#)  
Received 7 paper copies of Opening brief [\[4\]](#) filed by appellants. [9529714] (SD) [Entered: 05/07/2015 04:12 PM]

- 05/08/2015  [8](#)  
2 pg, 36.76 KB Filed (ECF) Appellants Bandon Pacific, Inc., Bio-Oregon Properties, LLC, Bio-Oregon Protein, Inc., Calamari, LLC, Copper River Resource Holding Co., Inc., Dulcich Inc., Dulcich Jet, LLC, Dulcich Realty Acquisition, LLC, Dulcich Realty, LLC, Dulcich Surimi, LLC, Frank Dulcich, Island Coho, LLC, Island Fish Co., LLC, Jo Marie LLC, Leslie Lee, LLC, Miss Pacific, LLC, Ocean Companies Holding Co., LLC, Ocean Gold Holding Co., Inc., Pacific Alaska Shellfish, Inc., Pacific Choice Seafood Company, Pacific Coast Seafoods Company, Pacific Conquest, Inc., Pacific Copper River Acquisition Co., Inc., Pacific Fishing, LLC, Pacific Fresh Sea Food Company, Pacific Future, LLC, Pacific Garibaldi, Inc., Pacific Gold Seafood Company, Pacific Group Transport, Co., Pacific Grumpy J, LLC, Pacific Hooker, LLC, Pacific Horizon, LLC, Pacific Knight, LLC, Pacific Marketing Group, Inc., Pacific Pride Sea Food Company, Pacific Resurrection Bay, Pacific Russia Ventures, LLC, Pacific Russia, Inc., Pacific Sea Food of Arizona, Inc., Pacific Seafood Disc., Inc., Pacific Seafood Group, Pacific Seafood Group Acquisition Company, Inc., Pacific Seafood Washington Acquisition Co., Inc., Pacific Surimi Co., Inc., Pacific Tuna Company, LLC, Pacific Tuna Holding Company, Inc., Powell Street Market, LLC, Privateer LLC, S&S Seafood Co., Inc., Sea Level Seafoods Acquisition, Inc., Sea Level Seafoods, LLC, Sea Princess, LLC, Seaciff Seafoods, Inc., Starfish Investments, Inc., Washington Crab Producers, Inc., Triple Star, LLC and Pacific Sea Food Co. Correspondence: Notice of hearing date priority pursuant to Circuit Rule 34-3. Date of service: 05/08/2015 [9530211] [15-35257] (Lee, Rachel) [Entered: 05/08/2015 09:35 AM]
- 05/18/2015  [9](#)  
1 pg, 195.59 KB Filed Mediation order: This case is NOT SELECTED for inclusion in the Mediation Program. Counsel may contact circuit mediator to discuss services available through the court's mediation program, to request a settlement assessment conf, or to request a stay of the appeal for settlement purposes. Also, upon agreement of the parties, the brfing sch can be modified or vacated to facilitate settlement discussions. Csl are requested to send copies of this order to their clients. Info regarding the mediation program may be found at www.ca9.uscourts.gov/mediation. [9541277] (LW) [Entered: 05/18/2015 02:33 PM]
- 06/01/2015  [10](#)  
121 pg, 3.8 MB Submitted (ECF) Answering Brief and supplemental excerpts of record for review. Submitted by Appellee Jeff Boardman. Date of service: 06/01/2015. [9557646] [15-35257] (Haglund, Michael) [Entered: 06/01/2015 06:04 PM]
- 06/03/2015  [11](#)  
2 pg, 186.8 KB Filed clerk order: The answering brief [[10](#)] submitted by Jeff Boardman is filed. Within 7 days of the filing of this order, filer is ordered to file 7 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 paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. The Court has reviewed the supplemental excerpts of record [[10](#)] submitted by Jeff Boardman. Within 7 days of this order, filer is ordered to file 4 copies of the excerpts in paper format, with a white cover. The paper copies must be in the format described in 9th Circuit Rule 30-1.6. [9559794] (KT) [Entered: 06/03/2015 09:49 AM]
- 06/05/2015  [12](#)  
16 pg, 731.92 KB Received Appellee Jeff Boardman notice of filing Volumes 2 and 3 of excerpts of record under seal, with DC protective orders attached. [9563913] (KT) [Entered: 06/05/2015 04:34 PM]
- 06/05/2015  [13](#)  
2 pg, 472.17 KB Received Appellee Jeff Boardman supplemental excerpt of record in 2 volumes. Deficiencies: insufficient copies. Notified counsel (see attached notice). [9563922] (KT) [Entered: 06/05/2015 04:39 PM]
- 06/08/2015  14 Received corrected deficiency of 4 additional copies of volumes 2 and 3 of the supplemental excerpts of record from Appellee Jeff Boardman. [9565561] (KT) [Entered: 06/08/2015 02:34 PM]
- 06/08/2015  15 Filed Appellee Jeff Boardman paper copies of supplemental excerpts of record [[10](#)] in 3 volumes (Volumes 2 and 3 UNDER SEAL). [9565567] (KT) [Entered: 06/08/2015 02:36 PM]
- 06/08/2015  16 Received 7 paper copies of Answering brief [[10](#)] filed by Jeff Boardman. [9565707] (SD) [Entered: 06/08/2015 03:15 PM]
- 06/15/2015  [17](#)  
39 pg, 121.87 KB Submitted (ECF) Reply Brief for review. Submitted by Appellants Bandon Pacific, Inc., Bio-Oregon Properties, LLC, Bio-Oregon Protein, Inc., Calamari, LLC, Copper River Resource Holding Co., Inc., Dulcich Inc., Dulcich Jet, LLC, Dulcich Realty Acquisition, LLC, Dulcich Realty, LLC, Dulcich Surimi, LLC, Frank Dulcich, Island Coho, LLC, Island Fish Co., LLC, Jo Marie LLC, Leslie Lee, LLC, Miss Pacific, LLC, Ocean Companies Holding Co., LLC, Ocean Gold Holding Co., Inc., Pacific Alaska Shellfish, Inc., Pacific Choice Seafood Company, Pacific Coast Seafoods Company, Pacific Conquest, Inc., Pacific Copper River Acquisition Co., Inc., Pacific Fishing, LLC, Pacific Fresh Sea Food Company, Pacific Future, LLC, Pacific Garibaldi, Inc., Pacific Gold Seafood Company, Pacific Group Transport, Co., Pacific Grumpy J, LLC, Pacific Hooker, LLC, Pacific Horizon, LLC, Pacific Knight, LLC, Pacific Marketing Group, Inc., Pacific Pride Sea Food Company, Pacific Resurrection Bay, Pacific Russia Ventures, LLC, Pacific Russia, Inc., Pacific Sea Food Co., Pacific Sea Food of Arizona, Inc., Pacific Seafood Disc., Inc., Pacific Seafood Group, Pacific Seafood Group Acquisition Company, Inc., Pacific Seafood Washington Acquisition Co., Inc., Pacific Surimi Co., Inc., Pacific Tuna Company, LLC, Pacific Tuna Holding Company, Inc., Powell Street Market, LLC, Privateer LLC, S&S Seafood Co., Inc., Sea Level Seafoods, LLC, Sea Princess, LLC, Seaciff Seafoods, Inc., Starfish Investments, Inc., Triple Star, LLC and Washington Crab Producers, Inc.. Date of service: 06/15/2015. [9575077] [15-35257] (Snider, Timothy) [Entered: 06/15/2015 03:52 PM]

- 06/16/2015  [18](#)  
2 pg, 186.34 KB Filed clerk order: The reply brief [\[17\]](#) submitted by appellants is filed. Within 7 days of the filing of this order, filer is ordered to file 7 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 paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. [9576069] (KT) [Entered: 06/16/2015 11:23 AM]
- 06/18/2015  [19](#) Received 7 paper copies of Reply brief [\[17\]](#) filed by appellants. [9579520] (SD) [Entered: 06/18/2015 01:30 PM]
- 07/02/2015  [20](#) Ordered electronic copies of appellees sealed supplemental excerpts of record. [9597305] (SOS) [Entered: 07/02/2015 11:52 AM]
- 07/06/2015  [21](#) Received electronic copies of appellees sealed supplemental excerpts of record. [9599111] (SOS) [Entered: 07/06/2015 12:23 PM]
- 07/23/2015  [22](#)  
2 pg, 47.46 KB Filed clerk order (Deputy Clerk: OC): Defendants-Appellants' motion to consolidate these two appeals is granted. Briefing has been completed in No. 15-35257. The briefing schedule in No. 15- 35504 is accelerated, as follows: < Appellants' Opening Brief shall be filed on or before August 17, 2015. < Appellees' Brief shall be filed on or before September 9, 2015. < The optional Appellants' Reply Brief, if filed, shall be filed on or before the expiration of seven (7) calendar days after Appellees' Brief is filed. These consolidated appeals are set for oral argument on October 13, 2015, at 9:00 a.m., at the Pioneer Courthouse, Portland, Oregon. Each side is allotted a total of 20 minutes for oral argument. [9620218] [15-35257, 15-35504] (OC) [Entered: 07/23/2015 01:30 PM]
- 08/05/2015  [23](#) ENTRY UPDATED. [9635363] [15-35257, 15-35504] Notice of Oral Argument on Notice of Oral Argument on Tuesday, October 13, 2015 - 09:00 A.M. - PO 2nd Floor Ctrm - Portland OR.
- View the Oral Argument Calendar for your case [here](#).
- When you have reviewed the calendar, download the [ACKNOWLEDGMENT OF HEARING NOTICE form](#), complete the form, and file it via Appellate ECF or return the completed form to: SEATTLE Office. [9635363] [15-35257, 15-35504]--[Edited 08/05/2015 by SB] (SB) [Entered: 08/05/2015 10:39 AM]
- 08/17/2015  [24](#)  
246 pg, 3.04 MB Submitted (ECF) Opening Brief and excerpts of record for review. Submitted by Appellants Bandon Pacific, Inc., Bio-Oregon Properties, LLC, Bio-Oregon Protein, Inc., Calamari, LLC, Copper River Resource Holding Co., Inc., Dulcich Inc., Dulcich Jet, LLC, Dulcich Realty Acquisition, LLC, Dulcich Realty, LLC, Dulcich Surimi, LLC, Frank Dulcich, Island Coho, LLC, Island Fish Co., LLC, Jo Marie LLC, Leslie Lee, LLC, Miss Pacific, LLC, Ocean Companies Holding Co., LLC, Ocean Gold Holding Co., Inc., Pacific Alaska Shellfish, Inc., Pacific Choice Seafood Company, Pacific Coast Seafoods Company, Pacific Conquest, Inc., Pacific Copper River Acquisition Co., Inc., Pacific Fishing, LLC, Pacific Fresh Sea Food Company, Pacific Future, LLC, Pacific Garibaldi, Inc., Pacific Gold Seafood Company, Pacific Group Transport, Co., Pacific Grumpy J, LLC, Pacific Hooker, LLC, Pacific Horizon, LLC, Pacific Knight, LLC, Pacific Marketing Group, Inc., Pacific Pride Sea Food Company, Pacific Resurrection Bay, Pacific Russia Ventures, LLC, Pacific Russia, Inc., Pacific Sea Food Co., Pacific Sea Food of Arizona, Inc., Pacific Seafood Disc., Inc., Pacific Seafood Group, Pacific Seafood Group Acquisition Company, Inc., Pacific Seafood Washington Acquisition Co., Inc., Pacific Surimi Co., Inc., Pacific Tuna Company, LLC, Pacific Tuna Holding Company, Inc., Powell Street Market, LLC, Privateer LLC, S&S Seafood Co., Inc., Sea Level Seafoods Acquisition, Inc., Sea Level Seafoods, LLC, Sea Princess, LLC, Seaciff Seafoods, Inc., Starfish Investments, Inc., Triple Star, LLC and Washington Crab Producers, Inc. in 15-35504, 15-35257. Date of service: 08/17/2015. [9650009] [15-35504, 15-35257]--[COURT UPDATE: Attached corrected brief and excerpts (covers). 08/18/2015 by RY] (Snider, Timothy) [Entered: 08/17/2015 04:34 PM]
- 08/18/2015  [25](#)  
2 pg, 187 KB Filed clerk order: The opening brief [\[24\]](#) submitted by appellants is filed. Within 7 days of the filing of this order, filer is ordered to file 7 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 paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. The Court has reviewed the excerpts of record [\[24\]](#) submitted by appellants. Within 7 days of this order, filer is ordered to file 4 copies of the excerpts in paper format, with a white cover. The paper copies must be in the format described in 9th Circuit Rule 30-1.6. [9650829] [15-35257, 15-35504] (KT) [Entered: 08/18/2015 11:45 AM]
- 08/21/2015  [26](#) Received 7 paper copies of Opening brief [\[24\]](#) filed by appellants. (sent to panel) [9656517] [15-35257, 15-35504] (SD) [Entered: 08/21/2015 02:53 PM]
- 08/21/2015  [27](#)  
16 pg, 762.44 KB Received Appellants' notice of filing Volume 3 of the excerpts of record under seal, with DC protective order attached.. [9657832] [15-35257, 15-35504] (KT) [Entered: 08/24/2015 01:58 PM]
- 08/21/2015  [28](#) Filed Appellants' paper copies of excerpts of record [\[24\]](#) in 3 volume(s) (Volume 3 UNDER SEAL). (sent to panel) [9657843] [15-35257, 15-35504] (KT) [Entered: 08/24/2015 02:02 PM]



- 08/31/2015  [29](#)  
1 pg, 19.34 KB Filed (ECF) Acknowledgment of hearing notice. Location: Portland. Filed by Attorney Timothy W. Snider for Appellants Bandon Pacific, Inc., Bio-Oregon Properties, LLC, Bio-Oregon Protein, Inc., Calamari, LLC, Copper River Resource Holding Co., Inc., Dulcich Inc., Dulcich Jet, LLC, Dulcich Realty Acquisition, LLC, Dulcich Realty, LLC, Dulcich Surimi, LLC, Frank Dulcich, Island Coho, LLC, Island Fish Co., LLC, Jo Marie LLC, Leslie Lee, LLC, Miss Pacific, LLC, Ocean Gold Holding Co., Inc., Pacific Alaska Shellfish, Inc., Pacific Choice Seafood Company, Pacific Coast Seafoods Company, Pacific Conquest, Inc., Pacific Copper River Acquisition Co., Inc., Pacific Fishing, LLC, Pacific Fresh Sea Food Company, Pacific Future, LLC, Pacific Garibaldi, Inc., Pacific Gold Seafood Company, Pacific Group Transport, Co., Pacific Grumpy J, LLC, Pacific Hooker, LLC, Pacific Horizon, LLC, Pacific Knight, LLC, Pacific Marketing Group, Inc., Pacific Pride Sea Food Company, Pacific Resurrection Bay, Pacific Russia Ventures, LLC, Pacific Russia, Inc., Pacific Sea Food Co., Pacific Sea Food of Arizona, Inc., Pacific Seafood Disc., Inc., Pacific Seafood Group, Pacific Seafood Group Acquisition Company, Inc., Pacific Seafood Washington Acquisition Co., Inc., Pacific Surimi Co., Inc., Pacific Tuna Company, LLC, Pacific Tuna Holding Company, Inc., Powell Street Market, LLC, Privateer LLC, S&S Seafood Co., Inc., Sea Level Seafoods Acquisition, Inc., Sea Level Seafoods, LLC, Sea Princess, LLC, Seacliff Seafoods, Inc., Starfish Investments, Inc., Triple Star, LLC and Washington Crab Producers, Inc. in 15-35257, Attorney Timothy W. Snider for Appellants Pacific Seafood Group, Ocean Gold Holding Co., Inc., Dulcich Inc., Frank Dulcich, Pacific Seafood Group Acquisition Company, Inc., Pacific Seafood Washington Acquisition Co., Inc., Bandon Pacific, Inc., Bio-Oregon Protein, Inc., Pacific Choice Seafood Company, Pacific Coast Seafoods Company, Pacific Garibaldi, Inc., Pacific Gold Seafood Company, Pacific Pride Sea Food Company, Pacific Sea Food Co., Pacific Surimi Co., Inc., Pacific Tuna Company, LLC, Washington Crab Producers, Inc., Pacific Alaska Shellfish, Inc., Sea Level Seafoods, LLC, Island Fish Co., LLC, Pacific Resurrection Bay, Pacific Conquest, Inc., Calamari, LLC, Jo Marie LLC, Leslie Lee, LLC, Miss Pacific, LLC, Pacific Future, LLC, Pacific Grumpy J, LLC, Pacific Hooker, LLC, Pacific Horizon, LLC, Pacific Knight, LLC, Privateer LLC, Sea Princess, LLC, Triple Star, LLC, Pacific Fishing, LLC, Pacific Sea Food of Arizona, Inc., Starfish Investments, Inc., Dulcich Surimi, LLC, Bio-Oregon Properties, LLC, Pacific Group Transport, Co., Pacific Marketing Group, Inc., Pacific Russia, Inc., Pacific Russia Ventures, LLC, Pacific Tuna Holding Company, Inc., Powell Street Market, LLC, Pacific Fresh Sea Food Company, Seacliff Seafoods, Inc., Copper River Resource Holding Co., Inc., Pacific Copper River Acquisition Co., Inc., Sea Level Seafoods Acquisition, Inc., Island Coho, LLC, S&S Seafood Co., Inc., Pacific Seafood Disc., Inc., Dulcich Realty, LLC, Dulcich Realty Acquisition, LLC, Dulcich Jet, LLC and Ocean Companies Holding Co., LLC in 15-35504. [9666625] [15-35257, 15-35504] (Snider, Timothy) [Entered: 08/31/2015 03:04 PM]
- 09/09/2015  [30](#)  
66 pg, 717.14 KB Submitted (ECF) Answering Brief and further excerpts of record for review. Submitted by Appellee Jeff Boardman in 15-35257. Date of service: 09/09/2015. [9676697] [15-35257, 15-35504] (Haglund, Michael) [Entered: 09/09/2015 02:35 PM]
- 09/09/2015  [31](#)  
2 pg, 187.07 KB Filed clerk order: The answering brief [\[30\]](#) submitted by Jeff Boardman is filed. Within 7 days of the filing of this order, filer is ordered to file 7 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 paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. The Court has reviewed the further excerpts of record [\[30\]](#) submitted by Jeff Boardman. Within 7 days of this order, filer is ordered to file 4 copies of the excerpts in paper format, with a white cover. The paper copies must be in the format described in 9th Circuit Rule 30-1.6. [9676902] [15-35257, 15-35504] (KT) [Entered: 09/09/2015 03:38 PM]
- 09/16/2015  [32](#) Received 7 paper copies of Answering brief [\[30\]](#) filed by Jeff Boardman. (sent to panel) [9685186] [15-35257, 15-35504] (SD) [Entered: 09/16/2015 01:35 PM]
- 09/16/2015  [33](#) Filed Appellee Jeff Boardman paper copies of further excerpts of record [\[30\]](#) in 1 volume. (sent to panel) [9685476] [15-35257, 15-35504] (TLH) [Entered: 09/16/2015 02:57 PM]
- 09/16/2015  [34](#) COURT DELETED INCORRECT/DUPLICATE ENTRY. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: [\[35\]](#). Original Text: Submitted (ECF) Reply Brief and further excerpts of record for review. Submitted by Appellants Bandon Pacific, Inc., Bio-Oregon Properties, LLC, Bio-Oregon Protein, Inc., Calamari, LLC, Copper River Resource Holding Co., Inc., Dulcich Inc., Dulcich Jet, LLC, Dulcich Realty Acquisition, LLC, Dulcich Realty, LLC, Dulcich Surimi, LLC, Frank Dulcich, Island Coho, LLC, Island Fish Co., LLC, Jo Marie LLC, Leslie Lee, LLC, Miss Pacific, LLC, Ocean Companies Holding Co., LLC, Ocean Gold Holding Co., Inc., Pacific Alaska Shellfish, Inc., Pacific Choice Seafood Company, Pacific Coast Seafoods Company, Pacific Conquest, Inc., Pacific Copper River Acquisition Co., Inc., Pacific Fishing, LLC, Pacific Fresh Sea Food Company, Pacific Future, LLC, Pacific Garibaldi, Inc., Pacific Gold Seafood Company, Pacific Grumpy J, LLC, Pacific Hooker, LLC, Pacific Knight, LLC, Pacific Marketing Group, Inc., Pacific Resurrection Bay, Pacific Russia Ventures, LLC, Pacific Russia, Inc., Pacific Sea Food of Arizona, Inc., Pacific Seafood Disc., Inc., Pacific Seafood Group, Pacific Seafood Group Acquisition Company, Inc., Pacific Surimi Co., Inc., Pacific Tuna Company, LLC, Powell Street Market, LLC, Sea Level Seafoods Acquisition, Inc., Sea Princess, LLC, Sea Level Seafoods, LLC, Seacliff Seafoods, Inc., Starfish Investments, Inc. and Washington Crab Producers, Inc. in 15-35504, 15-35257. Date of service:

09/16/2015. [9685912] [15-35504, 15-35257] (Snider, Timothy) [Entered: 09/16/2015 05:35 PM]

- 09/16/2015  [35](#)  
49 pg, 970.56 KB Submitted (ECF) Reply Brief and further excerpts of record for review. Submitted by Appellants Bandon Pacific, Inc., Bio-Oregon Properties, LLC, Bio-Oregon Protein, Inc., Calamari, LLC, Copper River Resource Holding Co., Inc., Dulcich Inc., Dulcich Jet, LLC, Dulcich Realty Acquisition, LLC, Dulcich Realty, LLC, Dulcich Surimi, LLC, Frank Dulcich, Island Coho, LLC, Island Fish Co., LLC, Jo Marie LLC, Leslie Lee, LLC, Miss Pacific, LLC, Ocean Companies Holding Co., LLC, Ocean Gold Holding Co., Inc., Pacific Alaska Shellfish, Inc., Pacific Choice Seafood Company, Pacific Coast Seafoods Company, Pacific Conquest, Inc., Pacific Copper River Acquisition Co., Inc., Pacific Fishing, LLC, Pacific Fresh Sea Food Company, Pacific Future, LLC, Pacific Garibaldi, Inc., Pacific Gold Seafood Company, Pacific Group Transport, Co., Pacific Grumpy J, LLC, Pacific Hooker, LLC, Pacific Horizon, LLC, Pacific Knight, LLC, Pacific Marketing Group, Inc., Pacific Pride Sea Food Company, Pacific Resurrection Bay, Pacific Russia Ventures, LLC, Pacific Russia, Inc., Pacific Sea Food Co., Pacific Seafood Disc., Inc., Pacific Seafood Group, Pacific Seafood Group Acquisition Company, Inc., Pacific Seafood Washington Acquisition Co., Inc., Pacific Surimi Co., Inc., Pacific Tuna Holding Company, Inc., Powell Street Market, LLC, Privateer LLC, S&S Seafood Co., Inc., Sea Level Seafoods Acquisition, Inc., Sea Level Seafoods, LLC, Sea Princess, LLC, Seacliff Seafoods, Inc., Starfish Investments, Inc., Triple Star, LLC and Washington Crab Producers, Inc. in 15-35504, 15-35257. Date of service: 09/16/2015. [9685917] [15-35504, 15-35257] (Snider, Timothy) [Entered: 09/16/2015 05:49 PM]
- 09/17/2015  [36](#)  
2 pg, 186.91 KB Filed clerk order: The reply brief [\[35\]](#) submitted by appellants is filed. Within 7 days of the filing of this order, filer is ordered to file 7 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 paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. The Court has reviewed the further excerpts of record [\[35\]](#) submitted by appellants. Within 7 days of this order, filer is ordered to file 4 copies of the excerpts in paper format, with a white cover. The paper copies must be in the format described in 9th Circuit Rule 30-1.6. [9686037] [15-35257, 15-35504] (TLH) [Entered: 09/17/2015 08:11 AM]
- 09/18/2015  37 Filed Appellants' paper copies of further excerpts of record [\[35\]](#) in 1 volume. (sent to panel) [9688137] [15-35257, 15-35504] (TLH) [Entered: 09/18/2015 11:14 AM]
- 09/18/2015  38 Received 7 paper copies of Reply brief [\[35\]](#) filed by appellants. (sent to panel) [9688536] [15-35257, 15-35504] (SD) [Entered: 09/18/2015 01:41 PM]
- 10/13/2015  39 ARGUED AND SUBMITTED TO A. WALLACE TASHIMA, RONALD LEE GILMAN and CARLOS T. BEA. [9715643] [15-35257, 15-35504] (KM) [Entered: 10/13/2015 11:07 AM]
- 05/03/2016  [40](#)  
43 pg, 349.71 KB [9961744] FILED OPINION (A. WALLACE TASHIMA, RONALD LEE GILMAN and CARLOS T. BEA) AFFIRMED. Judge: AWT Authoring, Judge: RLG Concurring & dissenting, FILED AND ENTERED JUDGMENT. [9961744] [15-35257, 15-35504]--[Edited 05/06/2016 by RMM] (RMM) [Entered: 05/03/2016 09:14 AM]
- 05/04/2016  41 Terminated Shay S. Scott for Todd L. Whaley, Lloyd D. Whaley, South Bay Wild, Inc., Robert Seitz, Dennis Rankin, My Fisheries, Inc., Miss Sarah, LLC and Jeff Boardman in 15-35257 and Todd L. Whaley, Lloyd D. Whaley, South Bay Wild, Inc., Robert Seitz, Dennis Rankin, My Fisheries, Inc., Miss Sarah, LLC and Jeff Boardman in 15-35504 (no longer with firm) [9963866] [15-35257, 15-35504] (JT) [Entered: 05/04/2016 10:59 AM]
- 05/17/2016  [42](#)  
67 pg, 969.34 KB Filed (ECF) Appellants Bandon Pacific, Inc., Bio-Oregon Properties, LLC, Bio-Oregon Protein, Inc., Calamari, LLC, Copper River Resource Holding Co., Inc., Dulcich Inc., Dulcich Jet, LLC, Dulcich Realty Acquisition, LLC, Dulcich Realty, LLC, Dulcich Surimi, LLC, Frank Dulcich, Island Coho, LLC, Island Fish Co., LLC, Jo Marie LLC, Leslie Lee, LLC, Miss Pacific, LLC, Ocean Companies Holding Co., LLC, Ocean Gold Holding Co., Inc., Pacific Alaska Shellfish, Inc., Pacific Choice Seafood Company, Pacific Coast Seafoods Company, Pacific Conquest, Inc., Pacific Copper River Acquisition Co., Inc., Pacific Fishing, LLC, Pacific Fresh Sea Food Company, Pacific Future, LLC, Pacific Garibaldi, Inc., Pacific Gold Seafood Company, Pacific Group Transport, Co., Pacific Grumpy J, LLC, Pacific Hooker, LLC, Pacific Horizon, LLC, Pacific Knight, LLC, Pacific Marketing Group, Inc., Pacific Pride Sea Food Company, Pacific Resurrection Bay, Pacific Russia, Inc., Pacific Russia Ventures, LLC, Pacific Sea Food Co., Pacific Sea Food of Arizona, Inc., Pacific Seafood Disc., Inc., Pacific Seafood Group, Pacific Seafood Group Acquisition Company, Inc., Pacific Seafood Washington Acquisition Co., Inc., Pacific Surimi Co., Inc., Pacific Tuna Holding Company, Inc., Pacific Tuna Company, LLC, Powell Street Market, LLC, Privateer LLC, S&S Seafood Co., Inc., Sea Level Seafoods Acquisition, Inc., Sea Level Seafoods, LLC, Sea Princess, LLC, Seacliff Seafoods, Inc., Starfish Investments, Inc., Triple Star, LLC and Washington Crab Producers, Inc. in 15-35257, 15-35504 petition for panel rehearing and petition for rehearing en banc (from 05/03/2016 opinion). Date of service: 05/17/2016. [9980270] [15-35257, 15-35504] (Snider, Timothy) [Entered: 05/17/2016 03:28 PM]

- 05/17/2016  [43](#)  
4 pg, 191.73 KB Filed (ECF) Appellee South Bay Wild, Inc. in 15-35257, Appellees Jeff Boardman, Miss Sarah, LLC, My Fisheries, Inc., Dennis Rankin, Robert Seitz, Lloyd D. Whaley and Todd L. Whaley in 15-35504 bill of costs (Form 10) in the amount of \$234.30 USD. Date of service: 05/17/2016 [9980679] [15-35257, 15-35504] (Haglund, Michael) [Entered: 05/17/2016 05:17 PM]
- 06/08/2016  [44](#)  
3 pg, 10.8 KB Filed (ECF) Appellants Bandon Pacific, Inc., Bio-Oregon Properties, LLC, Bio-Oregon Protein, Inc., Calamari, LLC, Copper River Resource Holding Co., Inc., Dulcich Inc., Dulcich Jet, LLC, Dulcich Realty Acquisition, LLC, Dulcich Realty, LLC, Dulcich Surimi, LLC, Frank Dulcich, Island Coho, LLC, Island Fish Co., LLC, Jo Marie LLC, Leslie Lee, LLC, Miss Pacific, LLC, Ocean Companies Holding Co., LLC, Ocean Gold Holding Co., Inc., Pacific Alaska Shellfish, Inc., Pacific Choice Seafood Company, Pacific Coast Seafoods Company, Pacific Conquest, Inc., Pacific Copper River Acquisition Co., Inc., Pacific Fishing, LLC, Pacific Fresh Sea Food Company, Pacific Future, LLC, Pacific Garibaldi, Inc., Pacific Gold Seafood Company, Pacific Group Transport, Co., Pacific Grumpy J, LLC, Pacific Hooker, LLC, Pacific Horizon, LLC, Pacific Knight, LLC, Pacific Marketing Group, Inc., Pacific Pride Sea Food Company, Pacific Resurrection Bay, Pacific Russia Ventures, LLC, Pacific Russia, Inc., Pacific Sea Food Co., Pacific Sea Food of Arizona, Inc., Pacific Seafood Disc., Inc., Pacific Seafood Group, Pacific Seafood Group Acquisition Company, Inc., Pacific Seafood Washington Acquisition Co., Inc., Pacific Surimi Co., Inc., Pacific Tuna Company, LLC, Pacific Tuna Holding Company, Inc., Powell Street Market, LLC, Privateer LLC, S&S Seafood Co., Inc., Sea Level Seafoods Acquisition, Inc., Sea Level Seafoods, LLC, Sea Princess, LLC, Seacliff Seafoods, Inc., Starfish Investments, Inc., Triple Star, LLC and Washington Crab Producers, Inc. in 15-35257, 15-35504 Correspondence: Notice of Change of Address. Date of service: 06/08/2016 [10006982] [15-35257, 15-35504] (Lee, Rachel) [Entered: 06/08/2016 02:23 PM]
- 07/14/2016  [45](#)  
1 pg, 46.57 KB Filed order (A. WALLACE TASHIMA, RONALD LEE GILMAN and CARLOS T. BEA) The panel has voted to deny the petition for panel rehearing, with Judge Gilman voting to grant it. Judge Bea votes to deny the petition for rehearing en banc. Judge Gilman recommends that the petition for rehearing en banc be granted and Judge Tashima recommends that en banc rehearing be denied. The full court has been advised of the petition for rehearing en banc and no judge of the court has requested a vote on en banc rehearing. See Fed. R. App. P. 35(f). The petition for panel rehearing and the petition for rehearing en banc are denied. [10049930] [15-35257, 15-35504] (WL) [Entered: 07/14/2016 09:55 AM]
- 07/25/2016  [46](#)  
2 pg, 188.64 KB MANDATE ISSUED.(AWT, RLG and CTB) [10061312] [15-35257, 15-35504] (JFF) [Entered: 07/25/2016 11:10 AM]

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