

08-35854 Docket

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10/20/2008	<u>1</u> 3 pg, 170.86 KB	DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. SEND CADS: No. The schedule is set as follows: Appellant Chantell Sackett and Appellant Michael Sackett opening brief due 12/01/2008. Appellee Steven L. Johnson and Appellee United States Environmental Protection Agency answering brief due 12/31/2008. Appellant's optional reply brief is due 14 days after service of the answering brief. (GR) [Entered: 10/20/2008 12:06 PM]
10/20/2008	2	Filed representation notice of Leslie R. Weatherhead, M. Reed Hopper, Damien M. Schiff. (GR) [Entered: 10/20/2008 12:09 PM]
10/20/2008	3	Filed certificate of record on appeal. RT filed in DC None (GR) [Entered: 10/20/2008 12:10 PM]
10/20/2008	4	Filed Appellants Chantell Sackett and Michael Sackett Civil Appeals Docketing Statement. Served on 10/16/2008. (GR) [Entered: 10/20/2008 12:10 PM]
11/12/2008	<u>5</u> 7 pg, 61.02 KB	Filed order MEDIATION (VLS): This case is under consideration for inclusion in the Mediation Program. Within 14 days of the date of this order, counsel for all parties intending to file briefs in this matter are requested to inform Ann Julius, Circuit Mediator, in writing, by fax at (415) 355-8566, of their clients' views on whether... This communication shall not be served on the opposing party and shall not be filed with the court. The existing briefing schedule remains in effect pending the determination whether the case will be selected for inclusion in the Mediation Program. (WL) [Entered: 11/12/2008 04:28 PM]
11/28/2008	7	Filed original and 15 copies of Appellants Chantell Sackett and Michael Sackett (Informal: No) opening brief of 20 pages. Five copies Excerpts of record in 1 volumes. Served on 11/26/2008. (FT) [Entered: 12/02/2008 04:02 PM]
12/02/2008	6	Filed appearance notice of Attorney Jennifer L. Scheller for party EPA Appellee Steven L. Johnson. Served on 11/25/2008. (JFF) [Entered: 12/02/2008 09:32 AM]

12/03/2008	<u>8</u> 1 pg, 22.56 KB	Filed order MEDIATION (AJ): The court has determined that this appeal will not be selected for inclusion in the Mediation Program. (WL) [Entered: 12/03/2008 02:15 PM]
12/24/2008	9	14 day oral extension by phone of time to file brief. Appellee Steven L. Johnson and Appellee United States Environmental Protection Agency answering brief due 01/14/2009. The optional reply brief is due 14 days after service of the appellee brief. (LKK) [Entered: 12/24/2008 12:38 PM]
01/07/2009	<u>10</u> 3 pg, 37.56 KB	Filed (ECF) Appellees Steven L. Johnson and EPA correspondence directed to the Clerk of the Court related to a pending case per 9th Circuit Rule 25-2. Date of service: 01/07/2009 [6760194] (Neumann, Jennifer) [Entered: 01/07/2009 01:47 PM]
01/14/2009	<u>11</u> 27 pg, 56.72 KB	Filed (ECF) Appellants Chantell Sackett and Michael Sackett Motion to stay proceedings. Date of service: 01/14/2009. [6770190] (Schiff, Damien) [Entered: 01/14/2009 01:54 PM]
01/14/2009	<u>12</u> 48 pg, 185.45 KB	Submitted (ECF) Answering brief for review. Submitted by Appellees Steven L. Johnson and EPA. Date of service: 01/14/2009. [6770212] (Neumann, Jennifer) [Entered: 01/14/2009 02:02 PM]
01/14/2009	<u>12</u> 1 pg, 28.22 KB	Filed Answering Brief [<u>12</u>] filed by Steven L. Johnson and EPA in 08-35854. Within 5 working days of the filing of this order, filer is ordered to file 10 copies of the brief in paper format, with a Red cover, accompanied by certification that the brief is identical to the version submitted electronically. (FT) [Entered: 01/14/2009 04:39 PM]
01/15/2009	<u>13</u> 48 pg, 2.13 MB	Filed Appellants Chantell Sackett and Michael Sackett Appendix to stay proceedings. Served on 01/14/2009. (JFF) [Entered: 01/16/2009 11:56 AM]
01/20/2009	<u>14</u> 3 pg, 70.7 KB	Received notice of legal name change dated 01/07/2009 from Jennifer L. Scheller, Esq.. Current new legal name: Jennifer Scheller Neumann. (RY) [Entered: 01/20/2009 02:27 PM]
01/20/2009	15	Received 10 paper copies of Answering brief [<u>12</u>] filed by Steven L. Johnson and EPA in 08-35854. One copy to Case Files, the remainder to Records. (FT) [Entered: 01/22/2009 05:02 PM]

01/26/2009	<u>16</u> 1 pg, 676.19 KB	Filed (ECF) notice of appearance of Jason Walta for Appellees Steven L. Johnson and EPA. Date of service: 01/26/2009. [6784273] (Walta, Jason) [Entered: 01/26/2009 12:03 PM]
01/26/2009	17	Added attorney Jason Walta for EPA Steven L. Johnson (JFF) [Entered: 01/26/2009 02:03 PM]
01/27/2009	<u>18</u> 21 pg, 59.91 KB	Filed (ECF) Appellees Steven L. Johnson and EPA response opposing motion (Motion (ECF Filing)), motion to stay proceedings, Appellant Motion ,Appellant Motion to stay proceedings). Date of service: 01/27/2009. [6786077] (Walta, Jason) [Entered: 01/27/2009 12:14 PM]
01/28/2009	<u>19</u> 19 pg, 47.74 KB	Submitted (ECF) Reply brief for review. Submitted by Appellants Chantell Sackett and Michael Sackett. Date of service: 01/28/2009. [6788060] (Schiff, Damien) [Entered: 01/28/2009 02:19 PM]
01/30/2009	<u>19</u> 1 pg, 28.28 KB	Filed Reply Brief [<u>19</u>] filed by Chantell Sackett and Michael Sackett in 08-35854. Within 5 working days of the filing of this order, filer is ordered to file 10 copies of the brief in paper format, with a Grey cover, accompanied by certification that the brief is identical to the version submitted electronically. (FT) [Entered: 01/30/2009 12:48 PM]
02/02/2009	21	Received 10 paper copies of Reply brief [<u>19</u>] filed by Chantell Sackett and Michael Sackett in 08-35854. One copy to Case Files, the remainder to Records. (SC) [Entered: 02/11/2009 11:26 AM]
02/03/2009	<u>20</u> 13 pg, 30.46 KB	Filed (ECF) Appellants Chantell Sackett and Michael Sackett reply to response (Motion (ECF Filing)). Date of service: 02/03/2009. [6794511] (Schiff, Damien) [Entered: 02/03/2009 10:50 AM]
02/24/2009	<u>22</u> 1 pg, 22.73 KB	Filed order (ALEX KOZINSKI and MICHAEL DALY HAWKINS) Appellants' motion to stay the agency compliance order pending appeal is denied. This appeal is ready for calendaring. (SC) [Entered: 02/24/2009 03:23 PM]
04/27/2009	23	Calendar check performed. (TH) [Entered: 04/27/2009 09:46 AM]
07/25/2009	24	Calendar materials being prepared. [7003751] [08-35348, 08-35854, 08-35871, 08-35896, 08-35897, 08-35904] (AM) [Entered: 07/25/2009 10:41 AM]

07/28/2009	25	CALENDARED: 10/05/2009 9:00 AM Seattle, WA, Nakamura Cthse, 7th Floor, Courtroom #2 [7006596] [08-35348, 08-35854, 08-35871, 08-35896, 08-35897, 08-35904] (AM) [Entered: 07/28/2009 02:03 PM]
08/13/2009	<u>26</u> 4 pg, 14.6 KB	Filed (ECF) Appellants Chantell Sackett and Michael Sackett Motion to reschedule oral argument. Date of service: 08/13/2009. [7026870] (Schiff, Damien) [Entered: 08/13/2009 03:11 PM]
08/14/2009	<u>27</u> 1 pg, 23.73 KB	Filed clerk order (Deputy Clerk:WL): Appellants Chantell and Michael Sackett's unopposed motion to reschedule oral argument is GRANTED. This case is removed from the October 5, 2009, Seattle calendar. The clerk shall calender this case on the next available Seattle calendar. [7027877] (WL) [Entered: 08/14/2009 01:06 PM]
09/23/2009	29	Calendar check performed. [7071997] (RG) [Entered: 09/23/2009 12:29 PM]
10/08/2009	30	Calendar materials being prepared. [7088667] [07-36008, 08-35854, 08-75065, 09-30087, 09-30174, 09-35001, 09-35003, 09-35032] (AM) [Entered: 10/08/2009 09:31 AM]
10/09/2009	31	CALENDARED: 12/09/2009 9:30 AM Seattle, WA SE Nakamura Cthse, 7th Floor, Ctrm #2 [7090752] [07-36008, 08-35854, 08-75065, 09-30087, 09-30174, 09-35001, 09-35003, 09-35032] (AM) [Entered: 10/09/2009 01:28 PM]
10/27/2009	<u>32</u> 6 pg, 91.47 KB	Notice of Oral Argument on DECEMBER 9th Calendar. Please return ACKNOWLEDGMENT OF HEARING NOTICE form to: SEATTLE Office. Attention: The Notice of Docket Activity may not list your case number. Please open attached documents to view details about your case. [7109090] (SB) [Entered: 10/27/2009 10:29 AM]
12/09/2009	33	ARGUED AND SUBMITTED TO ROBERT R. BEEZER, RONALD M. GOULD and RICHARD C. TALLMAN. [7157296] (KM) [Entered: 12/09/2009 01:08 PM]

12/09/2009	<u>34</u> 1 pg, 23.64 KB	Filed order (ROBERT R. BEEZER, RONALD M. GOULD and RICHARD C. TALLMAN) Submission of this case is deferred to allow the parties to consider mediation. Within ten days from the file date of this order, the parties shall report to the Circuit Mediation Unit in writing if they wish to attempt to mediate this dispute with the assistance of a circuit mediator. If no such report is transmitted, the case will automatically be resubmitted for disposition by the court upon the expiration of this ten day period. Should either party wish not to participate in mediation proceedings, it shall notify the Circuit Mediation Unit, who will advise the court, without identifying the party, that mediation will not occur, at which point the case will be deemed resubmitted. [7157549] (WL) [Entered: 12/09/2009 02:08 PM]
12/23/2009	<u>35</u> 1 pg, 22.46 KB	Filed order (ROBERT R. BEEZER, RONALD M. GOULD and RICHARD C. TALLMAN) The parties have agreed to attempt to resolve their dispute through mediation. Submission of this case is therefore withdrawn, and submission is deferred pending conclusion of the mediation. It is so ORDERED. [7174164] (WL) [Entered: 12/23/2009 11:45 AM]
12/23/2009	<u>36</u> 3 pg, 52.05 KB	Filed order MEDIATION (MAC): Pursuant to this court's order, filed December 9, 2009, and the subsequent communications from counsel for the parties, the court has scheduled a telephone settlement conference, with counsel only, on January 13, 2010, at 11:00 a.m. Pacific Time (2:00 p.m. Eastern Time) to discuss possible resolution of this dispute. [7174444] (WL) [Entered: 12/23/2009 01:47 PM]
01/14/2010	<u>37</u> 1 pg, 28.58 KB	Filed order MEDIATION (MAC): On January 13, 2010, a telephone conference was held with Circuit Mediator Margaret A. Corrigan. Damien M. Schiff, Esq. and Leslie R. Weatherhead, Esq. participated on behalf of appellants; Jennifer S. Neumann, Esq. participated on behalf of appellees. The court will initiate a further conference by telephone on January 29, 2010, at 11:00 a.m. Pacific Time (2:00 p.m. Eastern Time). Counsel are requested to contact the Circuit Mediator should circumstances develop that warrant further discussions prior to the next scheduled conference. [7194627] (WL) [Entered: 01/14/2010 09:35 AM]
01/28/2010	<u>38</u> 1 pg, 27.22 KB	Filed order MEDIATION (MAC): The further conference, previously set for January 29, 2010, is rescheduled to February 8, 2010, at 1:00 p.m. Pacific Time (4:00 p.m. Eastern Time). [7212101] (WL) [Entered: 01/28/2010 03:23 PM]

02/10/2010	<u>39</u> 1 pg, 28.66 KB	Filed order MEDIATION (MAC): The court will initiate a further conference by telephone on February 25, 2010, at 10:00 a.m. Pacific Time (11:00 a.m. Mountain Time; 1:00 p.m. Eastern Time). [7227159] (WL) [Entered: 02/10/2010 01:12 PM]
03/09/2010	<u>40</u> 1 pg, 27.17 KB	Filed order MEDIATION (MAC): The court will initiate a further conference by telephone on March 18, 2010, at 9:30 a.m. Pacific Time (12:30 p.m. Eastern Time). [7258929] (WL) [Entered: 03/09/2010 04:09 PM]
03/23/2010	<u>41</u> 2 pg, 29.86 KB	Filed order MEDIATION (MAC): On or before March 29, 2010, counsel for appellees shall serve on appellants, with a copy to the Circuit Mediator, the information discussed during the March 18, 2010, conference call. The court will initiate a further conference by telephone on April 5, 2010, at 10:30 a.m. Pacific Time (1:30 p.m. Eastern Time). [7274891] (WL) [Entered: 03/23/2010 09:26 AM]
05/03/2010	<u>42</u> 1 pg, 26.8 KB	Filed order MEDIATION (NAC): The court will initiate a further conference with counsel for appellees only on May 3, 2010, at 11:00 a.m. Pacific Time (2:00 p.m. Eastern Time). [7321936] (WL) [Entered: 05/03/2010 09:46 AM]
07/21/2010	<u>43</u> 1 pg, 26.76 KB	Filed order MEDIATION (NAC): The court will initiate a further conference with counsel for appellants only on July 23, 2010, at 10:30 a.m. Pacific Time (11:30 a.m. Mountain Time). [7413255] (WL) [Entered: 07/21/2010 02:44 PM]
08/10/2010	<u>44</u> 1 pg, 22.58 KB	Filed order MEDIATION (MAC): On or before August 16, 2010, counsel for appellants shall communicate to the Circuit Mediator the information discussed during the August 7, 2010, telephone conference. [7435055] (WL) [Entered: 08/10/2010 04:18 PM]
08/18/2010	<u>45</u> 1 pg, 22.49 KB	Filed order (ROBERT R. BEEZER, RONALD M. GOULD and RICHARD C. TALLMAN) The parties have indicated that their dispute cannot be resolved through mediation. Accordingly, this case is deemed resubmitted as of the date of filing of this order. [7444602] (WL) [Entered: 08/18/2010 03:03 PM]
09/17/2010	<u>46</u> 19 pg, 447.96 KB	FILED OPINION (ROBERT R. BEEZER, RONALD M. GOULD and RICHARD C. TALLMAN) AFFIRMED Judge: RMG Authoring, FILED AND ENTERED JUDGMENT. [7477900] (RMM) [Entered: 09/17/2010 10:28 AM]

10/29/2010	<u>47</u> 33 pg, 163.78 KB	Filed (ECF) Appellants Chantell Sackett and Michael Sackett petition for rehearing en banc (from 09/17/2010 opinion). Date of service: 10/29/2010. [7527256] (Schiff, Damien) [Entered: 10/29/2010 08:39 AM]
10/29/2010	<u>48</u> 3 pg, 10.91 KB	Filed (ECF) Appellants Chantell Sackett and Michael Sackett Correspondence: Errata to petition for rehearing en banc [47]. Date of service: 10/29/2010. [7528610]-- [COURT UPDATE: Corrected docket text and event to reflect content of filing (Errata). Resent notice. 10/29/2010 by RY] (Schiff, Damien) [Entered: 10/29/2010 04:35 PM]
11/29/2010	<u>49</u> 1 pg, 22.94 KB	Filed order (ROBERT R. BEEZER, RONALD M. GOULD and RICHARD C. TALLMAN): The full court has been advised of Appellant's Petition for Rehearing En Banc, and no judge of the court has requested a vote on the Petition for Rehearing En Banc. Fed. R. App. P. 35. Appellant's Petition for Rehearing En Banc is DENIED. [7559601] (AF) [Entered: 11/29/2010 09:28 AM]
12/09/2010	<u>50</u> 1 pg, 81.97 KB	MANDATE ISSUED.(RRB, RMG and RCT) [7573503] (GV) [Entered: 12/09/2010 09:43 AM]
02/25/2011	<u>51</u> 1 pg, 11.54 KB	Received notice from the Supreme Court: petition for certiorari filed on 02/23/2011. Supreme Court Number 10-1062. [7661885] (TB) [Entered: 02/28/2011 11:44 AM]
06/28/2011	<u>52</u> 1 pg, 46.61 KB	Received notice from the Supreme Court. Petition for certiorari GRANTED on 06/28/2011. Supreme Court Number 10-1062. [7804360] (TB) [Entered: 06/30/2011 03:04 PM]
11/16/2011	53	Transmitted to the U.S. Supreme Court: 1 volume(s) of 9th Circuit U.S. Court of Appeals record proceedings; the district court record is fully electronic. U.S. Supreme Court Case Number: 10-1062. Tracking Information: FedEx 943607199279. [7968444] (SOS) [Entered: 11/16/2011 01:46 PM]
03/22/2012	<u>54</u> 16 pg, 124.26 KB	Received copy of Supreme Court opinion dated 03/21/2012. [8113961] (RR) [Entered: 03/22/2012 01:39 PM]

03/22/2012	<u>55</u> 1 pg, 45.86 KB	Received Supreme Court order dated 03/21/2012. The judgment is reversed and the case is remanded to the United States Court Of Appeals for the Ninth Circuit. Scalia, J., delivered the opinion for a unanimous Court. Ginsburg, J., and Alito, J., filed concurring opinions. The judgment or mandate of this Court will not issue for at least twenty-five days pursuant to Rule 45. Should a petition for rehearing be filed timely, the judgment or mandate will be further stayed pending this Court's action on the petition for rehearing. Supreme Court No: 10-1062. [8113970] (RR) [Entered: 03/22/2012 01:44 PM]
04/02/2012	<u>56</u> 1 pg, 29.87 KB	Received letter from the Supreme Court dated 03/21/2012 re: The enclosed opinion of this court was announced today in the above stated case. The judgment or Mandate of this court will not issue for at least 25 days pursuant to Rule 45. Should a petition for rehearing be filed timely, the judgment or mandate will be further stayed pending this court's action on the petition for rehearing. [8127929] (HH) [Entered: 04/04/2012 02:47 PM]
04/02/2012	<u>57</u> 16 pg, 124.26 KB	Received copy of Supreme Court opinion dated 03/21/2012. [8127931] (HH) [Entered: 04/04/2012 02:47 PM]
04/24/2012	<u>58</u> 3 pg, 141.2 KB	Received Supreme Court 03/21/2012 certified judgment. On Writ Of Certiorari to the United States Court of Appals for the Ninth Circuit. This Cause came on to be heard on the transcript of the record from the above court and was argued by counsel. On Consideration Whereof, it is ordered and adjudged by this Court that the judgment of the above court is reversed with costs, and the case is remanded to the United States Court of Appeals for the Ninth Circuit for further proceedings consistent with the opinion of this Court. It Is Further Ordered that the petitioners Chantell Sackett, et vir recover from Environmental Protection Agency, et al. Nine Hundred Forty-one Dollars and Sixty Cents (\$941.60) for costs herein expended. Supreme Court case number: 10-1062. [8151130] (RR) [Entered: 04/24/2012 12:04 PM]
04/25/2012	62	Supreme Court Case Info Case number: 10-1062 Filed on: 02/23/2011 Cert Petition Action 1: Granted, 06/28/2011 [10456536] (ASW) [Entered: 06/01/2017 02:46 PM]

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2 pg, 14.86 KB Order filed for PUBLICATION (RONALD M. GOULD and RICHARD C. TALLMAN) REVERSED AND REMANDED. [] [8163052] (PH) [Entered: 05/03/2012 09:39 AM]

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1 pg, 81.46 KB MANDATE ISSUED.(RRB, RMG and RCT) [8163130] (TB) [Entered: 05/03/2012 10:07 AM]