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Help

General Docket

US Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 98-35723

Filed: 8/4/98

Nsuit: 2440 Other civil rights (USdf)

Gorbach, et al, et al v. Reno, et al, et al

Appeal from: Western District of Washington (Seattle)

Case type information:

- 1) civil
- 2) US
- 3) (null)

Lower court information:

District: 0981-2 : CV-98-00278-R
presiding judge: Barbara J. Rothstein, Chief Judge
Date Filed: 3/5/98
Date order/judgment: 7/10/98
Date NOA filed: 7/24/98

Fee status: USA: no fee required-----
Prior cases:

None

Current cases:

None

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IRINA GORBACH

Plaintiff - Appellee

Jonathan L. Abram, Esq.

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NATIONAL IMMIGRATION LAW CENTER

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Daniel Levy
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David J. Burman, Esq.
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PERKINS COIE LLP
1201 Third Avenue
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JOSE LUIS ROSAS-MADRID
Plaintiff - Appellee

Jonathan L. Abram, Esq.
(See above)
[COR LD NTC ret]

Robert H. Gibbs, Esq.
(See above)

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[COR LD NTC ret]

Jonathan Franklin
(See above)
[NTC ret]

Linton Joaquin, Esq.
(See above)
[COR LD NTC ret]

Daniel Levy
(See above)
[COR LD NTC ret]

David J. Burman, Esq.
(See above)
[COR LD NTC ret]

AGUEDA ESCALANTE
Plaintiff - Appellee

Jonathan L. Abram, Esq.
(See above)
[COR LD NTC ret]

Robert H. Gibbs, Esq.
(See above)
[COR LD NTC ret]

Jonathan Franklin
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Linton Joaquin, Esq.
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[COR LD NTC ret]

Daniel Levy
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David J. Burman, Esq.
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[COR LD NTC ret]

RUBEN LARA
Plaintiff - Appellee

Jonathan L. Abram, Esq.
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[COR LD NTC ret]

Robert H. Gibbs, Esq.
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Jonathan Franklin
(See above)
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98-35723 Gorbach, et al, et al v. Reno, et al, et al

Linton Joaquin, Esq.
(See above)
[COR LD NTC ret]

Daniel Levy
(See above)
[COR LD NTC ret]

David J. Burman, Esq.
(See above)
[COR LD NTC ret]

JAVIER SANGUINO
Plaintiff - Appellee

Jonathan L. Abram, Esq.
(See above)
[COR LD NTC ret]

Robert H. Gibbs, Esq.
(See above)
[COR LD NTC ret]

Jonathan Franklin
(See above)
[NTC ret]

Linton Joaquin, Esq.
(See above)
[COR LD NTC ret]

Daniel Levy
(See above)
[COR LD NTC ret]

David J. Burman, Esq.
(See above)
[COR LD NTC ret]

MAC MAURICE CHUKWUD IJEAKU
Plaintiff - Appellee

Jonathan L. Abram, Esq.
(See above)
[COR LD NTC ret]

Robert H. Gibbs, Esq.
(See above)
[COR LD NTC ret]

Jonathan Franklin
(See above)

[NTC ret]

Linton Joaquin, Esq.
(See above)
[COR LD NTC ret]

Daniel Levy
(See above)

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[COR LD NTC ret]

David J. Burman, Esq.
(See above)
[COR LD NTC ret]

LORETO MONCADO JUAN
Plaintiff - Appellee

Jonathan L. Abram, Esq.
(See above)
[COR LD NTC ret]

Robert H. Gibbs, Esq.
(See above)
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Jonathan Franklin
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Linton Joaquin, Esq.
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Daniel Levy
(See above)
[COR LD NTC ret]

David J. Burman, Esq.
(See above)
[COR LD NTC ret]

PEDRO LEGARDA-LEGARDA
Plaintiff - Appellee

Jonathan L. Abram, Esq.
(See above)
[COR LD NTC ret]

Robert H. Gibbs, Esq.
(See above)
[COR LD NTC ret]

Jonathan Franklin
(See above)
[NTC ret]

Linton Joaquin, Esq.
(See above)
[COR LD NTC ret]

Daniel Levy
(See above)
[COR LD NTC ret]

David J. Burman, Esq.
(See above)
[COR LD NTC ret]

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Page 5

98-35723 Gorbach, et al, et al v. Reno, et al, et alADOLPHO ERAZO
Plaintiff - AppelleeJonathan L. Abram, Esq.
(See above)
[COR LD NTC ret]Robert H. Gibbs, Esq.
(See above)
[COR LD NTC ret]Jonathan Franklin
(See above)
[NTC ret]Linton Joaquin, Esq.
(See above)
[COR LD NTC ret]Daniel Levy
(See above)
[COR LD NTC ret]David J. Burman, Esq.
(See above)
[COR LD NTC ret]

v.

JANET RENO, Attorney General
of the United States
Defendant - AppellantPatricia L. Maher, Esq.
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U.S. DEPARTMENT OF JUSTICE
Civil Division, Appellate Staff
950 Pennsylvania Avenue NW
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LITIGATION
Civil Division
Ben Franklin Station
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Seattle, WA 98101-3903

DORIS M. MEISSNER,

Patricia L. Maher, Esq.

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98-35723 Gorbach, et al, et al v. Reno, et al, et alCommissioner of Immigration
and Naturalization Service
Defendant - Appellant(See above)
[COR LD NTC gov]

Michelle R. Slack
(See above)
[COR LD NTC gov]

Christopher Lee Pickrell, AUSA
(See above)
[COR LD NTC aus]

UNITED STATES IMMIGRATION AND
NATURALIZATION SERVICE
Defendant - Appellant

Patricia L. Maher, Esq.
(See above)
[COR LD NTC gov]

Michelle R. Slack
(See above)
[COR LD NTC gov]

Christopher Lee Pickrell, AUSA
(See above)
[COR LD NTC aus]

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98-35723 Gorbach, et al, et al v. Reno, et al, et al

IRINA GORBACH; JOSE LUIS ROSAS-MADRID; AGUEDA ESCALANTE;
RUBEN LARA; JAVIER SANGUINO; MAC MAURICE CHUKWUD IJEAKU;
LORETO MONCADO JUAN; PEDRO LEGARDA-LEGARDA; ADOLPHO ERAZO

Plaintiffs - Appellees

v.

JANET RENO, Attorney General of the United States; DORIS M.
MEISSNER, Commissioner of Immigration and Naturalization
Service; UNITED STATES IMMIGRATION AND NATURALIZATION
SERVICE

Defendants - Appellants

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8/4/98 DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. CADS
SENT (Y/N): yes. PRELIMINARY INJUNCTION APPEAL all paperwork
to MOATT. [98-35723] (dg)

8/4/98 Filed certificate of record on appeal RT filed in DC N/T
[98-35723] (dg)

8/4/98 Filed Aplt's' emergency motion for stay of the preliminary
injunction pending appeal; served on 8/4/98 (Moatt)
[3500635] (gva)

8/4/98 Filed Aplt's' Civil Appeals Docketing Statement served on
8/4/98 (to CONFATT) [98-35723] [98-35723] (gva)

8/7/98 Filed order MOATT (sh) ... The br sch is set as follows:
the opening br is due 8/21/98; the ans br is due 9/18/98;
and the optional rpy br is due within 14 days of service of
the ans br. The appeal and any mtns pending at the time
briefing is completed shall be referred to the next
available mtns panel for disposition. [98-35723] (gva)

8/10/98 Received (faxed) copy of District Court order filed on

8/7/98 re: Order granting plas' mtn for class certification and defs' mtn for a stay pending appeal. ... (Barbara Jacobs Rothstein) USDC Judge. (Moatt) [98-35723] (gva)

8/11/98 Filed Aples' opposition to emergency mtn for a stay of the preliminary injunction pending appeal w/exhibits; served on 8/11/98 (Moatt) [3500635-1] [98-35723] (gva)

8/11/98 Filed order Moatt: (Deputy Clerk: sh) Aplt's oral, unopposed mtn for a 14-day ex.tm.f the opening br is granted. The opening br and excs are due 9/4/98; the ans br is due 10/2/98; and the optional rpy br is due within 14 days after service of aple's br. The appeal and any mtns pending at the time briefing is completed shall be referred to the next available mtns panel for disposition. [98-35723] (gva)

8/13/98 Filed order Moatt/pp: (Pamela A. RYMER, Michael D. HAWKINS): Aplt's emergency mtn for a stay of the preliminary injunction pending appeal is denied. The br sch established in the 8/11/98 order shall remain in effect. Any further requests for ex.tm.f brs will be disfavored. (faxed by Moatt) [3500635-1] [98-35723] (gva)

8/25/98 Case rejected from Circuit Mediation Program. (mlm)

9/8/98 Filed original & 15 copies Aplt's opening brief (Informal: n) 46 pages & 5 Excs.; served on 9/4/98 [98-35723] (gva)

10/5/98 Filed original & 15 copies Aples' 50 pages brief, 5 Supplemental Excs.; served on 10/2/98 [98-35723] (gva)

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10/19/98 Filed original & 15 Aplt's reply brief, (Informal: n) 30 pages; served on 10/16/98 [98-35723] (gva)

11/19/98 Filed order (Jerome FARRIS, Melvin BRUNETTI, SILVERMAN): This preliminary injunction appeal is referred to the next available merits panel for disposition. ... Accordingly, the appeal shall be placed on the calendar during the week of February 1, 1999 in Seattle Washington. [98-35723] (gva)

11/19/98 Calendar check performed [98-35723] (th)

12/2/98 Calendar materials being prepared. [98-35723] [98-35723] (uk)

12/4/98 CALENDARED: Seattle Feb 2, 1999 9:00 a.m. Courtroom at Park Place, 21st Floor [98-35723] (th)

1/7/99 FILED CERTIFIED RECORD ON APPEAL: 5 CLERKS REC (ORIGINAL) [98-35723] (jk)

2/2/99 ARGUED AND SUBMITTED TO Arthur L. ALARCON, Pamela A. RYMER, Andrew J. KLEINFELD [98-35723] (jmk)

2/5/99 Rec'd notice of change of address from Linton Joaquin for Appellee Adolpho Erazo, Appellee Pedro Legarda-Legarda, Appellee Loreto Moncado Juan, Appellee Mac Maurice Chukwud Ijeaku, Appellee Javier Sanguino, Appellee Ruben Lara, Appellee Agueda Escalante, Appellee Jose Luis Rosas-Madrid, Appellee Irina Gorbach; dated 2/3/99. (Casefiles) [98-35723] (gva)

2/17/99 Received Aples' add'l citations, pursuant to FRAP 28(j); served on 2/16/99 (faxed to Panel) [98-35723] (gva)

2/19/99 Received Aples' additional citations, pursuant to FRAP 28(j); served on 2/18/99 (faxed to Panel) [98-35723] (gva)

3/2/99 Filed Aples' additional citations, pursuant to FRAP 28(j); served on 3/1/99 (Panel) [98-35723] (gva)

4/12/99 Filed Aples' additional citations, pursuant to FRAP 28(j); served on 4/9/99 (Panel) [98-35723] (gva)

4/14/99 Filed (faxed) Aplt's additional citations, pursuant to FRAP 28(j); served on 4/6/99 (faxed to Panel) (original rec'd 4/26/99) [98-35723] (gva)

4/16/99 Rec'd notice of change of address from Daniel Levy for Appellee Adolpho Erazo, Appellee Pedro Legarda-Legarda, Appellee Loreto Moncado Juan, Appellee Mac Maurice Chukwud Ijeaku, Appellee Javier Sanguino, Appellee Ruben Lara, Appellee Agueda Escalante, Appellee Jose Luis Rosas-Madrid, Appellee Irina Gorbach dated 4/12/99. [98-35723] (lp)

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6/4/99 FILED OPINION: VACATED. (Terminated on the Merits after Oral Hearing; Other; Written, Signed, Published. Arthur L. ALARCON; Pamela A. RYMER, author; Andrew J. KLEINFELD, dissenting) FILED AND ENTERED JUDGMENT. [98-35723] (gva)

7/16/99 [3715379] Filed original & 50 copies Aples' petition for rehearing with suggestion for rehearing en banc of 15 pages; served on 7/15/99 (Panel And All Active Judges) [98-35723] (gva)

7/21/99 Filed order (Pamela A. RYMER): Aplt's are directed to file a response to the aples' petition for rehearing and petition for rehearing en banc filed with this ct on 7/16/99. The response shall not exceed 15 pages in length, and shall be filed in 40 copies on or before 21 days from the date of this order. [98-35723] (gva)

8/11/99 Filed Aplt's response in opposition to Aples' petition for enbanc rehearing in original and 15 copies of 15 pages; served on 8/10/99 (Panel And All Active Judges) [3715379-1] [98-35723] (gva)

8/19/99 Received 10 add'l copies of aplt's response in opposition to petition for rehearing and suggestion for rehearing en banc. (RECORDS) [98-35723] (hh)

10/19/99 Filed order For Publication (HUG, Chief Judge) Upon the vote of a majority of nonrecused regular active judges of this ct, it is ordered that this case be reheard by the en banc court pursuant to Cir. R. 35-3. The three judge panel opinion, Gorbach v. Reno, 179F.3d 1111 (9th Cir. 1999), is withdrawn. [3715379-1] [3687275-2] [98-35723] (gva)

10/22/99 Filed order (Procter R. HUG,): Oral argument in the above case shall be reheard en banc in San Francisco, on 3/23/00, at 1:00 p.m. [98-35723] (hh)

10/22/99 Filed order (Procter R. HUG,): The parties shall forward to the clerk of the court twenty (20) copies of their original briefs and excerpts of record within 7 days from the date of this order. (PHONED OUT 2:15) [98-35723] (hh)

10/22/99 CALENDARED: SAN FRAN Mar 23 2000 1:00 pm Courtroom 1 **
starting time moved to 11:00 a.m.**** [98-35723] (aw)

10/27/99 Filed Aples' response to 10/22/99 order: 20 additional
copies of aples' brief and supplemental excs (Sent to En
Banc Panel fed.ex) [3777579-1] [98-35723] (gva)

11/1/99 Filed Aplts' response to 10/22/99 order: 20 additional
copies of brs & excs in addition 20 copies of response to
petition for rehearing en banc (Sent to en banc panel
fed.ex) [3777579-1] [98-35723] (gva)

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12/2/99 Filed order (Procter R. HUG): Oral argument in the above
case is rescheduled for 11:00 a.m. in SF on 3/23/00.
(Phoned out: 10:45 am) [98-35723] (gva)

3/3/00 Received notice of appearance of Patricia Maher as counsel
for aplts (faxed to Panel) [98-35723] (gva)

3/16/00 Filed order (Deputy Clerk: CC) C-Span applied to videotape
for later broadcast the case captioned above, scheduled to
be heard in SF on 3/23/00 at 11:00 a.m. in Courtroom No. 1.
A majority of the judges on the panel have voted to grant
the application. The C-Span's request to videotape is
GRANTED. (faxed by eu) [PANEL] [98-35723] (gva)

3/23/00 ARGUED AND SUBMITTED TO Procter R. HUG, James R. BROWNING,
Mary M. SCHROEDER, Diarmuid F. O'SCANNLAIN, Thomas G.
NELSON, Andrew J. KLEINFELD, Michael D. HAWKINS, A. W.
TASHIMA, Sidney R. THOMAS, Susan P. GRABER, Kim M. WARDLAW
[98-35723] (sa)

4/13/00 Filed Aplts' additional citations, pursuant to FRAP 28(j);
served on 4/12/00 (En Banc Panel) [98-35723] (gva)

4/21/00 Filed Appellees' (Irina Gorbach, et al.) opposition to
Aplt's addl citations, served on 4/21/00 (to EN BANC
PANEL) [98-35723] (gail)

7/20/00 OPINION FILED (Procter R. HUG, James R. BROWNING, Mary M.
SCHROEDER, Diarmuid F. O'SCANNLAIN, Thomas G. NELSON, J.
KLEINFELD, author; Michael D. HAWKINS, A. W. TASHIMA,
Sidney R. THOMAS, Susan P. GRABER): AFFIRMED: [98-35723]
(gva)

7/20/00 Filed Aples' additional citations, pursuant to FRAP 28(j);
served on 7/19/00 (En Banc Panel) [98-35723] (gva)

8/1/00 Filed Aples' bill of costs, in the amount of \$1,150.20;
served on 7/31/00 served on 7/31/00 [98-35723] (gva)

8/16/00 Filed Aples' motion to transfer consideration of attorneys'
fees on appeal to the district court; served on 8/15/00
(Faxed to En Banc Court) [3972878] (gva)

8/25/00 Filed Aplts response in opposition to motion to transfer
consideration of attorneys' fee on appeal, served on 8/24/00
(Faxed to En Banc Court) [98-35723] (kkw)

9/1/00 Filed Appellees' reply in support of motion to transfer
consideration of atty. fees on appeal; served 8/31/00 FAXED
EN BANC COURT [98-35723] (em)

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10/12/00 Filed order (James R. BROWNING, Mary M. SCHROEDER, O'SCANNLAIN, T. NELSON, KLEINFELD, HAWKINS, TASHIMA, THOMAS, GRABER, and WARDLAW): Aples' mtn filed on 8/18/00 to transfer consideration of aty's fees on appeal is denied. [3972878-1] [98-35723] (gva)

10/18/00 Filed Supreme Court order (S C Date: 10/10/00) The application for an ex.tm.f a petition for a writ of certiorari in the above entitled case has been presented to Justice O'Connor, who on 10/10/00, extended time to and including 11/17/00. (Casefile) [98-35723] (gva)

12/14/00 MANDATE ISSUED. Costs taxed. [98-35723] (gva)

12/18/00 Filed Aples' motion for attorney(s)' fees in the amount of \$145,873.80; served on 12//15/00 (En Banc Panel) [4056880] (gva)

12/18/00 Filed Aples' application for fees and other expenses Under the Equal Access to Justice Act; served on 12/15/00 (En Banc Panel) [98-35723] (gva)

12/18/00 Filed Aples' motion to transfer fee application to District Court; served on 12/15/00 (En Banc Court) [4056906] (gva)

12/21/00 Filed Aplts' unopposed mtn for extension of time to file their opposition (30-day or 2/1/01) to aples' application for atys' fees and mtn to transfer fee application to district court; served on 12/20/00 (En Banc Court) [4059632] [98-35723] (gva)

1/2/01 Filed order (Mary M. SCHROEDER, Chief Judge): The aplts' unopposed mtn for extension of time to file their opposition to aples' application to District Court is ordered filed and is granted up to and including 1/22/01. [4059632-1] [98-35723] (gva)

1/23/01 Filed Aplts' response in opposition to motion to transfer consideration of attorneys' fees on appeal; served on 1/22/01 (En Banc Court) [4056906-1] [98-35723] (gva)

1/23/01 Filed Aplts' opposition to aples' application for attorneys' fees and costs under equal acces justice act; served on 1/22/01 (En Banc Court) [4056880-1] [98-35723] (gva)

1/25/01 Filed Aples' unopposed motion for extension of time to file replies in support of application for attorneys' fees and motion to transfer fee application; served on 1/24/01 (En Banc Court) [4082564] (gva)

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2/5/01 Filed order (Mary M. SCHROEDER, James R. BROWNING, Procter R. HUG, Diarmuid F. O'SCANNLAIN, Thomas G. NELSON, Andrew KLEINFELD, Michael D. HAWKINS, TASHIMA, THOMAS, GRABER, and WARDLAW): Aples' unopposed mtn for extension of time to file its rpy by 2/9/01 is granted. The rpy shall be filed on or before 2/9/01. [4082564-1] [98-35723] (gva)

2/9/01 Filed Aples' reply in support of motion to transfer fee application to district court; served on 2/8/01 (En Banc Court) [4056880-1] [98-35723] (gva)

2/13/01 Filed Aples' reply in support of application for attorneys' fees and costs; served on 2/8/01 (En Banc Court) [4056880-1] [98-35723] (gva)

3/1/01 Filed order (Mary M. SCHROEDER, BROWNING, Procter R. HUG, Diarmuid F. O'SCANNLAIN, Thomas G. NELSON, Andrew J. KLEINFELD, Michael D. HAWKINS, Sidney R. THOMAS, Susan P. GRABER, Kim M. WARDLAW, A. W. TASHIMA): Aples' motion to transfer fee application to dc is granted. [4056906-1] [98-35723] (gva)

1/18/02 RECORD RETURNED. (See control card for details.) (stev)

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PACER Service Center			
Transaction Receipt			
07/20/2007 00:47:54			
PACER Login:	wu0079	Client Code:	ponton
Description:	dkt report	Case Number:	98-35723
Billable Pages:	14	Cost:	1.12