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1-877-DOC-RETR (1-877-362-7387) (Additional Charges Apply).

For Opinion See: [117 F.3d 1425](#)

Briefs and Other Related Documents

This docket is current through 12/31/2003.
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Court: US COURT OF APPEALS FOR THE NINTH CIRCUIT
Case Title: HALE, ET AL v. BELSHE, ET AL
Appeal From: NORTHERN DISTRICT OF CALIFORNIA (SAN FRANCISCO)
Date Filed: 02/03/1997

CASE INFORMATION

Case Number: [97-15177](#)
Fee Status: PAID
Case Type: APPEALS
Case Subtype: CIVIL
PRIVATE
Nature of Suit: 3440 OTHER CIVIL RIGHTS (FED)
Key Nature of Suit: CIVIL RIGHTS; OTHER FEDERAL CIVIL RIGHTS (110.45)

LOWER COURT INFORMATION

District: 0971-3
Lower Court Docket Number: 96-CV-1804
Trial Judge(s): STANLEY A. WEIGEL, DISTRICT JUDGE
Date Filed: 05/15/1996
Date Order/Judgment: 12/09/1996
Date NOA Filed: 12/12/1996

NAMES

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Name: MATTHEW FONG, TREASURER, STATE OF CALIFORNIA
Type: DEFENDANT - APPELLANT
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Name: KATHLEEN CONNELL, CONTROLLER, STATE OF CALIFORNIA
Type: DEFENDANT - APPELLANT
Attorney: BEVERLEY R. MEYERS, DAG

DOCKET PROCEEDINGS

ENTRY #:	DATE:	DESCRIPTION:
--	06/15/1999	NO ORIGINAL RECORD (BEN)
--	11/12/1997	RECEIVED MELINDA BIRD'S REQUEST FOR PUBLICATION OF MEMORANDUM DISPOSITION (UNTIMELY); SERVED ON 11/10/97 (TO PANEL) [97-15177] (SM)
--	09/12/1997	MANDATE ISSUED [97-15177] (JJF)
--	08/21/1997	FILED ORDER (ALFRED T. GOODWIN, DOROTHY W. NELSON, STEPHEN S. TROTT): DENYING PETITION FOR REHEARING. [97-15177] (OT)
--	07/23/1997	RECEIVED ATTY DANIEL BRZOVIC FOR APPELLEES MENTAL HEALTH ASSOC., JONATHAN TULIN, ANGELA LOPEZ, GREGORY MICHAEL MYKETUK, CHERYL ELLISON, IVO SUTICH, AND WORTH HALE LETTER DATED 07/22/97 RE:.....IF THE CRT IS INCLINED TO REQUEST AN ANSWER TO THE P/R, PLTFS WOULD BE HAPPY TO SUBMIT ONE. SERVED 7/22/97 (AUTHOR) [97-15177] (OT)
--	07/16/1997	FILED ORIGINAL AND 03 COPIES APPELLANTS S. KIMBERLY BELSHE, STEPHEN MAYBERG, MATTHEW FONG, AND KATHLEEN CONNELL PETITION FOR REHEARING, 12 P.PAGES, SERVED ON 7/16/97 PANEL (OT)

-- 07/03/1997 FILED S. KIMBERLY BELSHE, ET AL., ADDITIONAL CITATIONS, SERVED ON 7/3/97 (PNL) [97-15177] (OT)

-- 07/03/1997 FILED ORIGINAL AND 04 COPIES APLTS' S. KIMBERLY BELSHE, ET AL., LTR BRIEF OF 04 PAGES, SERVED ON 7/3/97 (PANEL) [97-15177] (OT)

-- 07/03/1997 FILED MEMORANDUM DISPOSITION: AFFIRMED (TERMINATED ON THE MERITS AFTER ORAL HEARING; AFFIRMED; WRITTEN, UNSIGNED, UNPUBLISHED. ALFRED T. GOODWIN; DOROTHY W. NELSON, AUTHOR; STEPHEN S. TROTT.) FILED AND ENTERED JUDGMENT. [97-15177] (OT)

-- 06/09/1997 ARGUED AND SUBMITTED TO ALFRED T. GOODWIN, DOROTHY W. NELSON, STEPHEN S. TROTT [97-15177] (MLM)

-- 05/19/1997 FILED APPELLANTS S. KIMBERLY BELSHE, STEPHEN MAYBERG, MATTHEW FONG, AND KATHLEEN CONNELL SUPPLEMENTAL EXCERPTS OF RECORD ON APPEAL IN 01 VOLUME IN SUPPORT OF THE RPY BRF. (PANEL) (OT)

-- 05/19/1997 FILED ORDER (ALFRED T. GOODWIN, DOROTHY W. NELSON, STEPHEN S. TROTT): GRANTING APPELLANT'S MOTION TO FILE SUPPLEMENTAL EXCERPTS OF RECORD. [97-15177] (OT)

-- 04/25/1997 RECEIVED APPELLANTS S. KIMBERLY BELSHE ET AL., AMENDMENT TO ATTORNEY MOTION TO CONTINUE HEARING, SERVED ON 4/24/97 PANEL [97-15177] (OT)

-- 04/18/1997 FILED APLTS S. KIMBERLY BELSHE, STEPHEN MAYBERG, MATTHEW FONG, KATHLEEN CONNELL'S MOTION TO FILE SUPPL EXCERPTS OF RECORD IN 01 VOL IN SUPPORT OF THE RPY BRF, SERVED ON 4/18/97 [FAX/PNL] [97-15177] (OT)

-- 04/16/1997 FILED BEVERLEY R. MEYERS'S MOTION TO CONTINUE HEARING OF CASE, SERVED ON 4/16/97 (PANEL) (OT)

-- 04/15/1997 CALENDARED: SAN FRANCISCO JUNE 9, 1997 1:30 P.M.
COURTROOM 3 ** TIME CHANGED TO 9:00 A.M.
**[97-15177] (MW)

-- 04/14/1997 RECEIVED APPELLANTS S. KIMBERLY BELSHE, STEPH-
EN MAYBERG, MATTHEW FONG, AND KATHLEEN
CONNELL 05 SUPPL EXC OF RECORD ON APPEAL IN 01
VOL. IN SUPPORT OF THE RPY BRF. CSL ADV TO SUB-
MIT MOTION TO FILE. (OT)

-- 04/14/1997 FILED ORIGINAL AND 15 COPIES S. KIMBERLY
BELSHE, STEPHEN MAYBERG, MATTHEW FONG,
KATHLEEN CONNELL REPLY BRIEF, (INFORMAL: NO)
22 PAGES; SERVED ON 4/14/97 [97-15177] (OT)

-- 04/08/1997 CALENDAR MATERIALS BEING PREPARED. [97-15177]
[97-15177] (MW)

-- 04/03/1997 FILED ORDER PROMO (DEPUTY CLERK: JLC) IN LIGHT
OF THE EXTRAORDINARY CIRCUMSTANCES CITED BY
APLTS, APLTS' OPPOSED MOTION FOR AN EXT OF TIME
IN WHICH TO FILE THE REPLY BRIEF IS GRANTED. THE
REPLY BRIEF IS DUE IN THE CLERK'S OFFICE ON OR
BEFORE 4/14/97. (PHONED OUT 11:44) [97-15177] (HH)

-- 04/01/1997 FILED APPELLEES WORTH HALE, IVO SUTICH, CHERYL
ELLISON, GREGORY MICHAEL MYKETUK, ANGELA
LOPEZ, JONATHAN TULIN AND, MENTAL HEALTH AS-
SOC. RESPONSE OPPOSING APPELLANT'S MOTION TO
EXTEND TIME TO FILE REPLY BRIEF [3201090-1]
SERVED ON 3/31/97 (WORK IN PROGRESS, PER PROMO)
[97-15177] (SM)

-- 03/31/1997 FILED APPELLANTS S. KIMBERLY BELSHE, STEPHEN
MAYBERG, MATTHEW FONG AND KATHLEEN CON-
NELL'S MOTION TO EXTEND TIME FILE REPLY BRIEF
UNTIL 4/14/97, SERVED ON 3/31/97 [3201090] (PROMO)
[97-15177] (SM)

-- 03/31/1997 FILED ORIGINAL AND 15 COPIES APPELLEE WORTH
HALE, IVO SUTICH, CHERYL ELLISON, GREGORY MI-
CHAEL MYKETUK, ANGELA LOPEZ, JONATHAN TULIN,
MENTAL HEALTH ASSOC.'S 44 PAGES BRIEF, ; SERVED
ON 3/28/97 [97-15177] (CRW)

-- 03/24/1997 CALENDAR CHECK PERFORMED [97-15177] (MW)

-- 03/14/1997 FILED ORIGINAL AND 15 COPIES APPELLANT S. KIMBERLY BELSHE OPENING BRIEF (INFORMAL: NO) 17 PAGES AND FIVE EXCERPTS OF RECORD IN 01 VOLUME., SERVED ON 3/14/97 [97-15177] (OT)

-- 03/10/1997 RECEIVED NOTIFICATION FROM THE ATTY GENL RE PAYMENT OF DOCKET FEE. (DATE: 01/14/97) [97-15177] (OT)

-- 03/10/1997 CASE RELEASED FROM PRE-BRIEFING CONFERENCE PROGRAM. (MLM)

-- 03/06/1997 FILED ORDER (APPELLATE COMMISSIONER) APLTS' ARGUMENT THAT THE DC ERRED BY DENYING THEM ELEVENTH AMENDMENT IMMUNITY AGAINST THE PLTFS' CLAIMS UNDER THE MEDECAID ACT AND AMERICANS WITH DISABILITIES ACT IS NOT "SO UNSUBSTANTIAL AS NOT TO NEED FURTHER ARGUMENT." (CITES). ACCORDINGLY, APLES' MOTION FOR SUMMARY AFFIRMANCE IS DENIED. APLES' UNOPPOSED MOTION TO EXPEDITE THIS APPEAL IS GRANTED. THE BRIEFING SCHEDULE IS RESET AS FOLLOWS: APPELLANTS' OPENING BRIEF, EXCERPTS DUE 3/14/97 ; APPELLEES' BRIEF DUE 3/28/97; OPTIONAL REPLY IS DUE 4/4/97. THE CLERK SHALL NOT GRANT EXTENSIONS OF TIME ABSENT EXTRAORDINARY CIRCUMSTANCES. COURT RECORD REFLECT THAT APLTS HAVE NOT PAID THE DOCKETING AND FILING FEES. WITHIN 14 DAYS OF DATE OF THIS ORDER APLTS SHALL PAY \$105 TO THE DC AS THE DOCKETING AND FILING FEES FOR THIS APPEAL AND FILE PROOF OF PAYMENT IN THIS COURT. THIS APPEAL SHALL BE CALENDARED TOGETHER WITH ARMSTRONG V. NILSON, 96-16870 AND CLARK V. CALIFORNIA, 96-16952. (FAXED BY MOATT) [97-15177] (EM)

-- 02/18/1997 REC'D NOTICE OF CHANGE OF ADDRESS FROM ATTY SANDRA PETTIT FOR APPELLEES MENTAL HEALTH ASSOC., JONATHAN TULIN, ANGELA LOPEZ, GREGORY MICHAEL MYKETUK, CHERYL ELLISON, IVO SUTICH, AND HALE DATED 02/13/97. NEW ADDR: 3580 WILSHIRE

BLVD., STE 902. LA, CA 90010-2512. PH: 213/427-8747;
FAX 427-8767. [97-15177] (OT)

-- 02/10/1997 RECEIVED BEVERLEY R. MEYERS FOR APPELLANTS
KIMBERLY BELSHE, ET AL., CIVIL APPEALS DOCKET-
ING STATEMENT; SERVED ON 2/7/97 (FEES DUE) (TO
CONFATT) [97-15177] [97-15177] (HH)

-- 02/03/1997 RECEIVED APPELLANTS MOTION TO FOR SUMMARY
REVERSAL [97-15177] ; SERVED ON 1/3/97 (RECD IN DK-
TG ON 1/3/97) [FEE NOT YET PD - MOATT) [97-15177]
(MHF)

-- 02/03/1997 RECEIVED CERTIFICATE OF RECORD; RT FILED IN DC
:NONE FILED. [97-15177] (DL)

-- 02/03/1997 DOCKETED CAUSE AND ENTERED APPEARANCES OF
COUNSEL. CADS SENT (Y/N): YES. SETTING SCHEDULE
AS FOLLOWS: CADS IS PAST DUE; CADS MUST BE
FILED NO LATER THAN 2/10/97 FOR BEVERLEY R. MEY-
ERS; APPELLANT'S OPENING BRIEF IS DUE 3/17/97 ; AP-
PELLEES' BRIEF IS DUE 4/16/97 ; APPELLANTS' OPTION-
AL REPLY BRIEF IS DUE FOURTEEN DAYS FROM SER-
VICE OF THE ANSWERING BRIEF. [97-15177] (DL)

Briefs and Other Related Documents ([Back to top](#))

- [1997 WL 33555335](#) (Appellate Brief) Brief of Plaintiffs-Appellees (Mar. 31, 1997) Original Image of this Document with Appendix (PDF)
- [1997 WL 33555336](#) (Appellate Brief) Appellants' Opening Brief (Mar. 14, 1997) Original Image of this Document (PDF)

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