

General Docket
United States Court of Appeals for the Ninth Circuit

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| Court of Appeals Docket #: 14-35903 Nature of Suit: 1440 Other Civil Rights USA v. City of Portland, et al Appeal From: U.S. District Court for Oregon, Portland Fee Status: Paid | Docketed: 10/27/2014 Termed: 09/21/2015 | | | | |
| Case Type Information: 1) civil 2) united states 3) null | | | | | |
| Originating Court Information: District: 0979-3 : 3:12-cv-02265-SI Court Reporter: D. W. Apodaca, Court Reporter Court Reporter: Jill Erwin, Court Reporter Trial Judge: Michael H. Simon, District Judge Date Filed: 12/17/2012 <table style="width: 100%;"><tr><td style="width: 25%;">Date Order/Judgment: 08/29/2014</td><td style="width: 25%;">Date Order/Judgment EOD: 08/29/2014</td><td style="width: 25%;">Date NOA Filed: 10/27/2014</td><td style="width: 25%;">Date Rec'd COA: 10/27/2014</td></tr></table> | | Date Order/Judgment: 08/29/2014 | Date Order/Judgment EOD: 08/29/2014 | Date NOA Filed: 10/27/2014 | Date Rec'd COA: 10/27/2014 |
| Date Order/Judgment: 08/29/2014 | Date Order/Judgment EOD: 08/29/2014 | Date NOA Filed: 10/27/2014 | Date Rec'd COA: 10/27/2014 | | |
| Prior Cases: None | | | | | |
| Current Cases: None | | | | | |

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| UNITED STATES OF AMERICA Plaintiff - Appellee, | <p>Adrian Lee Brown, Assistant U.S. Attorney [COR LD NTC Assist US Attorney] DOJ-USAO Firm: 503/727-1000 1000 S.W. Third Avenue Portland, OR 97204</p> <p>Billy J. Williams, U.S. Attorney Direct: 503-727-1108 [COR LD NTC Assist US Attorney] DOJ-USAO Suite 600 Firm: 503/727-1000 1000 S.W. Third Avenue Portland, OR 97204</p> <p>Mark Lenard Gross, Esquire, Deputy Chief Counsel Direct: 202-514-2195 [COR NTC Government] DOJ - U.S. DEPARTMENT OF JUSTICE Civil Rights Division/Appellate Section P.O. Box 14403, Ben Franklin Station Washington, DC 20044-4403</p> <p>David Knight, Trial Attorney Direct: 503-727-1003 [COR NTC Assist US Attorney] DOJ-USAO Suite 600 Firm: 503/727-1000 1000 S.W. Third Avenue Portland, OR 97204</p> <p>Christopher Chen-Hsin Wang, Attorney Direct: 202-514-9115 [COR NTC Government] DOJ - U.S. DEPARTMENT OF JUSTICE Civil Rights Division/Appellate Section 3728</p> |
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Kelly A. Zusman, Assistant U.S. Attorney
[COR NTC Assist US Attorney]
DOJ-USAO
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v.

CITY OF PORTLAND
Defendant - Appellant,

Ellen Osoinach, Deputy City Attorney
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[COR LD NTC Deputy City Attorney]
OFFICE OF THE CITY ATTORNEY
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1221 SW Fourth Avenue
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Denis M. Vannier, Esquire, Deputy City Attorney
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PORTLAND POLICE ASSOCIATION
Intervenor-Defendant,

Anil S. Karia
Direct: 866-486-5556
[COR NTC Retained]
Public Safety Labor Group
3021 NE Broadway
Portland, OR 97232

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CITY OF PORTLAND,

Defendant - Appellant,

and

PORTLAND POLICE ASSOCIATION,


Intervenor-Defendant.

- 10/27/2014 [1](#) 16 pg, 368.4 KB DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. SEND MQ: Yes. The schedule is set as follows: Mediation Questionnaire due on 11/03/2014. Transcript ordered by 11/26/2014. Transcript due 12/26/2014. Appellant City of Portland opening brief due 02/04/2015. Appellee United States of America answering brief due 03/06/2015. Appellant's optional reply brief is due 14 days after service of the answering brief. [9291763] (RT) [Entered: 10/27/2014 04:10 PM]
- 11/03/2014 [2](#) 7 pg, 935.52 KB Filed (ECF) Appellant City of Portland Mediation Questionnaire. Date of service: 11/03/2014. [9300077] [14-35903] (Osoinach, Ellen) [Entered: 11/03/2014 04:16 PM]
- 11/10/2014 [3](#) 3 pg, 94.44 KB Filed (ECF) notice of appearance of Anil S. Karia for - Portland Police Association. Date of service: 11/10/2014. [9308374] [14-35903] (Karia, Anil) [Entered: 11/10/2014 08:20 PM]
- 11/12/2014 4 Added attorney Anil S. Karia for Portland Police Association, in case 14-35903. [9309030] (EL) [Entered: 11/12/2014 09:44 AM]
- 11/13/2014 [5](#) 3 pg, 59.35 KB Filed (ECF) notice of appearance of David W. Knight for Appellee USA. Date of service: 11/13/2014. [9311929] [14-35903] (Knight, David) [Entered: 11/13/2014 01:28 PM]
- 11/13/2014 [6](#) 3 pg, 57.83 KB Filed (ECF) notice of appearance of Kelly A. Zusman for Appellee USA. Date of service: 11/13/2014. [9311942] [14-35903] (Zusman, Kelly) [Entered: 11/13/2014 01:35 PM]
- 11/13/2014 7 Added attorney David Knight, Kelly A. Zusman for USA, in case 14-35903. [9312012] (KB) [Entered: 11/13/2014 01:56 PM]
- 11/17/2014 [8](#) 5 pg, 315.2 KB MEDIATION CONFERENCE SCHEDULED - The court has scheduled a telephone Assessment Conference, 01/07/2015, 11:00 a.m. PACIFIC Time. The Circuit Mediator will initiate the conference call by contacting each person on the attached list. Please be available for the call at least five minutes before the scheduled time. Counsel should review the attached list and inform the Mediation Assistant by email at least 72 hours in advance of the scheduled call of any corrections to the list....The briefing schedule previously set by the court remains in effect. [9316034] (CL) [Entered: 11/17/2014 03:33 PM]
- 11/26/2014 [9](#) 2 pg, 23.48 KB Filed (ECF) notice of appearance of Christopher C. Wang for Appellee USA. Date of service: 11/26/2014. [9327443] [14-35903] (Wang, Christopher) [Entered: 11/26/2014 07:30 AM]
- 11/26/2014 10 Added attorney Christopher Chen-Hsin Wang for USA, in case 14-35903. [9327664] (KB) [Entered: 11/26/2014 09:11 AM]
- 12/10/2014 [11](#) 2 pg, 23.46 KB Filed (ECF) notice of appearance of Mark Leonard Gross for Appellee USA. Date of service: 12/10/2014. [9344022] [14-35903] (Gross, Mark) [Entered: 12/10/2014 01:19 PM]
- 12/10/2014 12 Added attorney Mark Lenard Gross for USA, in case 14-35903. [9344065] (EL) [Entered: 12/10/2014 01:29 PM]
- 12/23/2014 [13](#)  1 pg, 43.22 KB Filed order MEDIATION (CL): A dial-in telephonic conference will be held on January 7, 2015, at 11:00 a.m. Pacific Time. Dial-in information is available to counsel of record as a separate document attached to the electronic filing notification of this order. If any counsel of record is not able to access the dial-in information, please notify the Mediation Program immediately at Catherine_Lirio@ca9.uscourts.gov. [9360006] (SML) [Entered: 12/23/2014 11:33 AM]
- 01/12/2015 [14](#) 3 pg, 46.49 KB Filed order MEDIATION (LJ): The briefing schedule previously set by the court is vacated. The telephonic conference previously scheduled for January 7, 2015, is canceled. An in-person mediation conference will be held on February 23, 2015, beginning at 10:00 a.m. Pacific Time, at the Pioneer Courthouse, 700 S.W. Sixth Avenue, ADR Suite, Portland, Oregon. Unless excused by the Circuit Mediator prior to the scheduled conference, the following participants shall attend on behalf of appellant: City of Portland representatives Gail Shibley and Dora Perry, attorneys Ellen Osoinach and Denis Vannier. Unless excused by the Circuit Mediator prior to the scheduled conference, the following participants shall attend on behalf of appellee: United States representative Jonas Geisler, attorneys David Knight and Bill Williams, in person and Adrian Brown, Chris Wang and Mark Gross by telephone standby. Participants shall have full authority to negotiate and settle the case on any terms at the conference. Mediation statements of no more than 10 pages shall be submitted to the Circuit Mediator [fax no. (415) 355-8566] on or before February 12, 2015... Mediation statements shall not be filed with the court... Participants should plan to spend the entire day engaged in meaningful settlement discussions and come prepared with thoughtful solutions to this dispute. Counsel are requested to contact the Circuit Mediator should circumstances develop that warrant further discussions prior to the next scheduled conference. (Please see document for full text) [9378168] (SML) [Entered: 01/12/2015 10:38 AM]
- 01/14/2015 [15](#) 3 pg, 52.38 KB Filed amended order MEDIATION (LJ): The court's order of January 12, 2015 is amended as follows: The briefing schedule previously set by the court is vacated. The telephonic conference previously scheduled for January 7, 2015, is canceled. An in-person mediation conference will be held on February 23, 2015, beginning at 10:00 a.m. Pacific Time, at the Pioneer Courthouse, 700 S.W. Sixth Avenue, ADR Suite, Portland, Oregon. Unless excused by the Circuit Mediator prior to the scheduled conference, the following participants shall attend on behalf of appellant: City of Portland representatives Gail Shibley and Dora Perry, attorneys Ellen Osoinach and Denis Vannier. Unless excused by the Circuit Mediator prior to the scheduled conference, the following participants shall attend on behalf of appellee: United States

representative Jonas Geisler, attorneys David Knight and Bill Williams, in person and Adrian Brown, Chris Wang and Mark Gross by telephone standby. Unless excused by the Circuit Mediator prior to the scheduled conference, the following participants shall attend on behalf of intervenor: Portland Police Association representatives Daryl Turner, Tom Perkins, and attorney Anil Karia. Participants shall have full authority to negotiate and settle the case on any terms at the conference. Mediation statements of no more than 10 pages shall be submitted to the Circuit Mediator [fax no. (415) 355-8566] on or before February 12, 2015...Mediation statements shall not be filed with the court. Mediation statements shall contain the addresses and telephone and fax numbers of all participants. Participants should plan to spend the entire day engaged in meaningful settlement discussions and come prepared with thoughtful solutions to this dispute. Counsel are requested to contact the Circuit Mediator should circumstances develop that warrant further discussions prior to the next scheduled conference. (SEE ORDER FOR FULL TEXT) [9381905] (OC) [Entered: 01/14/2015 10:46 AM]

02/25/2015 [16](#)
2 pg, 34.69 KB

Filed order MEDIATION (LJ): The in-person mediation will continue on March 10, 2015, beginning at 10:00 a.m. Pacific Time, at the Pioneer Courthouse, 700 S.W. Sixth Avenue, ADR Suite, Portland, Oregon. Unless excused by the Circuit Mediator prior to the scheduled conference, the following participants shall attend on behalf of appellant: City of Portland representatives Gail Shibley and Dora Perry, attorneys Ellen Osoinach and Denis Vannier. Unless excused by the Circuit Mediator prior to the scheduled conference, the following participants shall attend on behalf of appellee: United States representative Jonas Geisler, attorneys David Knight and Bill Williams, in person and Adrian Brown, Chris Wang and Mark Gross by telephone standby. Unless excused by the Circuit Mediator prior to the scheduled conference, the following participants shall attend on behalf of intervenor: Portland Police Association representatives Daryl Turner, Tom Perkins, and attorney Anil Karia. Participants shall have full authority to negotiate and settle the case on any terms at the conference. Participants should plan to spend the entire day engaged in meaningful settlement discussions and come prepared with thoughtful solutions to this dispute. [9434564] (AF) [Entered: 02/25/2015 01:25 PM]

03/13/2015 [17](#) 
1 pg, 41.12 KB

Filed order MEDIATION (LJ): The court will initiate a further dial-in telephonic conference on April 1, 2015, at 11:00 a.m. Pacific Time. Dial-in information is available to counsel of record as a separate document attached to the electronic filing notification of this order. If any counsel of record is not able to access the dial-in information, please notify the Mediation Program immediately at Catherine_Lirio@ca9.uscourts.gov. [9456201] (SML) [Entered: 03/13/2015 10:25 AM]

07/17/2015 [18](#)
10 pg, 705.25 KB

Filed (ECF) Appellant City of Portland Joint Motion to remand case. Date of service: 07/17/2015. [9613462] [14-35903] (Vannier, Denis) [Entered: 07/17/2015 09:49 AM]

07/29/2015 [19](#)
1 pg, 38.34 KB

Filed order (MARY M. SCHROEDER, WILLIAM C. CANBY and ALEX KOZINSKI): The parties' joint motion for remand is granted. This appeal is remanded to the district court for the limited purpose of adopting and entering the parties' proposed Amended Order Entering Settlement Agreement. REMANDED. [9627359] (AF) [Entered: 07/29/2015 03:02 PM]

08/06/2015 [20](#)
3 pg, 636.74 KB

Filed (ECF) Appellant City of Portland Joint Motion to dismiss case voluntarily pursuant to FRAP 42(b). Date of service: 08/06/2015. [9637033] [14-35903] (Vannier, Denis) [Entered: 08/06/2015 11:06 AM]

09/21/2015 [21](#)
1 pg, 38.07 KB

Filed order (Deputy Clerk: SVG): The parties' joint motion for voluntary dismissal of this appeal is granted. This appeal is dismissed. See Fed. R. App. P. 42(b). This order served on the district court shall act as and for the mandate of this court. [9690293] (AF) [Entered: 09/21/2015 01:43 PM]

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