

General Docket
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 16-73878
In re: City of Portland v. USDC-ORP
Appeal From: U.S. District Court for Oregon, Portland
Fee Status: Paid

Docketed: 12/09/2016
Termed: 12/27/2017

Case Type Information:
1) original proceeding
2) paid mandamus/prohibition
3) null

Originating Court Information:
District: 0979-3 : [3:12-cv-02265-SI](#)
Trial Judge: Michael H. Simon, District Judge
Date Rec'd COA:
12/09/2016

Prior Cases:
[14-35903](#) **Date Filed:** 10/27/2014 **Date Disposed:** 07/29/2015 **Disposition:** Remanded - Judge Order
[14-35903](#) **Date Filed:** 09/21/2015 **Date Disposed:** 09/21/2015 **Disposition:** FRAP 42b Dismissal - Clerk Order

Current Cases:
None

In re: CITY OF PORTLAND

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v.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
OREGON, PORTLAND
Respondent,

UNITED STATES OF AMERICA
Real Party in Interest,

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(see above)

PORTLAND POLICE ASSOCIATION
Real Party in Interest,

ALBINA MINISTERIAL ALLIANCE COALITION FOR JUSTICE
AND POLICE REFORM
Real Party in Interest,

ALBINA MINISTERIAL ALLIANCE FOR JUSTICE AND POLICE
REFORM
Amicus Curiae,

In re: CITY OF PORTLAND,

CITY OF PORTLAND,

Petitioner,

v.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON, PORTLAND,

Respondent,

UNITED STATES OF AMERICA; PORTLAND POLICE ASSOCIATION; ALBINA MINISTERIAL ALLIANCE COALITION FOR JUSTICE
AND POLICE REFORM,

Real Parties in Interest.

12/09/2016 [1](#) FILED PETITION FOR WRIT OF MANDAMUS. DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. NOTIFIED REAL PARTIES IN INTEREST OF FILING. [10227894] (BY) [Entered: 12/09/2016 04:47 PM]
385 pg, 8.83 MB

12/19/2016 [2](#) Filed Petitioner City of Portland letter dated 12/15/2016 re: unnecessary for the Court to address the portion of the City's petition requesting a stay of that proceeding, see Petition for Writ of Mandamus at 18.. Paper filing deficiency: None. [10240677] (JFF) [Entered: 12/20/2016 03:36 PM]
1 pg, 19.49 KB

12/21/2016 [3](#) Filed (ECF) notice of appearance of Teresa Kwong for Real Party in Interest USA. Date of service: 12/21/2016. [10242055] [16-73878] (Kwong, Teresa) [Entered: 12/21/2016 01:07 PM]
2 pg, 78.07 KB

12/21/2016 [4](#) Filed (ECF) notice of appearance of Tovah R. Calderon for Real Party in Interest USA. Date of service: 12/21/2016. [10242083] [16-73878] (Calderon, Tovah) [Entered: 12/21/2016 01:18 PM]
2 pg, 77.46 KB

12/21/2016 5 Added attorneys Teresa Kwong and Tovah Calderon for USA. [10242175] (RL) [Entered: 12/21/2016 01:44 PM]

02/28/2017 [6](#) Filed order (WILLIAM C. CANBY, RICHARD R. CLIFTON and MICHELLE T. FRIEDLAND) This petition for a writ of mandamus raises issues that warrant an answer. See Fed. R. App. P. 21(b). Accordingly, within 14 days after the date of this order, the real parties in interest shall file an answer. The district court, within 14 days after the date of this order, may address the petition if it so desires. The district court may elect to file an answer with this court or to issue an order and serve a copy on this court. Petitioner may file a reply within 5 days after service of the answer(s). The petition, answer(s), and any reply shall be referred to the next available motions panel. The Clerk shall serve this order on the district court and District Judge Michael H. Simon. [10337183] (HC) [Entered: 02/28/2017 04:30 PM]
2 pg, 191.92 KB

03/07/2017 [7](#) Filed (ECF) Real Party in Interest USA Unopposed Motion to extend time to file a response until 04/13/2017. Date of service: 03/07/2017. [10346722] [16-73878] (Kwong, Teresa) [Entered: 03/07/2017 01:56 PM]
7 pg, 17.34 KB

03/07/2017 8 Filed (ECF) Streamlined request for extension of time to file Answering Brief by Real Party in Interest Portland Police Association. New requested due date is 04/13/2017. [10347579] [16-73878] (Karia, Anil) [Entered: 03/07/2017 09:49 PM]

03/08/2017 9 **Streamlined request [8] by Real Party in Interest Portland Police Association to extend time to file the brief is not approved because the briefing schedule has not been set in this appeal. To extend time to file a response to the 02/28/2017 order you will have to file a motion.** [10347839] (JN) [Entered: 03/08/2017 09:36 AM]

03/08/2017 [10](#) Filed (ECF) Real Party in Interest Portland Police Association Unopposed Motion to extend time to file a response until 04/13/2017. Date of service: 03/08/2017. [10348266] [16-73878] (Karia, Anil) [Entered: 03/08/2017 11:43 AM]
7 pg, 81.73 KB

03/08/2017 [11](#) Filed clerk order (Deputy Clerk: AT): The motion of real party in interest United States for an extension of time to file its answer to the petition for writ of mandamus is granted (Docket Entry No. [8]). The answer of real party in interest United States is due April 13, 2017. Petitioner's optional reply is due within 5 days after service of the answer. [10348764] (Trierweiler, Nicole) [Entered: 03/08/2017 02:35 PM]
2 pg, 194.85 KB

03/13/2017 [12](#) Filed clerk order (Deputy Clerk: AT): The motion of real party in interest Portland Police Association for an extension of time to file its answer to the petition for writ of mandamus is granted (Docket Entry No. [10]). The answer of real party in interest Portland Police Association is due April 13, 2017. Petitioner's optional reply remains due within 5 days after service of the answer(s). [10353917] (ME) [Entered: 03/13/2017 01:55 PM]
2 pg, 195.14 KB

03/15/2017 [13](#) Filed United States District Court response to court order dated 2/28/2017. Served on 03/15/2017. [10358300] (RL) [Entered: 03/15/2017 04:13 PM]
9 pg, 106.86 KB

03/22/2017 [14](#) Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Albina Ministerial Alliance for Justice and Police Reform. Date of service: 03/22/2017. [10366446] [16-73878]--[COURT UPDATE: Removed excerpts of record (filed correctly in entry [17]). 03/23/2017 by SLM] (Curphey, Shauna) [Entered: 03/22/2017 05:22 AM]
25 pg, 347.05 KB

03/22/2017 [15](#) Filed (ECF) Real Party in Interest USA Unopposed Motion to refer case to mediation. Date of service: 03/22/2017. [10367539] [16-73878] (Kwong, Teresa) [Entered: 03/22/2017 02:25 PM]
5 pg, 18.33 KB

03/22/2017 [17](#) Submitted (ECF) supplemental excerpts of record. Submitted by Amicus Curiae Albina Ministerial Alliance for Justice and Police Reform. Date of service: 03/22/2017. [10369189]--[COURT ENTERED FILING to correct entry [14].] (SLM) [Entered: 03/23/2017 02:53 PM]
23 pg, 1.58 MB

03/23/2017 16 Entered appearance of Amicus Curiae Albina Ministerial Alliance for Justice and Police Reform. [10369040] (GV) [Entered: 03/23/2017 02:18 PM]

03/23/2017 [18](#) Filed clerk order: The amicus brief [14] submitted by Albina Ministerial Alliance for Justice and Police Reform 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
2 pg, 188.22 KB

to the version submitted electronically. Cover color: green. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate CM/ECF. The Court has reviewed the supplemental excerpts of record [17] submitted by Albina Ministerial Alliance for Justice and Police Reform. 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. [10369447] (GV) [Entered: 03/23/2017 03:49 PM]

- 03/27/2017 [19](#)
7 pg, 89.27 KB
Filed order MEDIATION (CLB): Date: April 14, 2017 Time: 11:00 a.m. Pacific Time (DIAL-IN CONFERENCE) The unopposed motion of the United States (docket entry #[15]) to refer this matter to mediation is granted. The due dates for real parties in interest to file answers to the petition are vacated. The court will hold a dial-in telephonic conference, with counsel only, on the date and time indicated above. Each participant will receive an email with dial-in information. Please notify the Mediation Office at mediation@ca9.uscourts.gov if counsel does not receive an email or if additional participants should be added. Counsel should review the attached list and inform the Mediation Assistant by email (Beatriz_Smith@ca9.uscourts.gov) of any corrections to the list. Please notify Chief Circuit Mediator Claudia L. Bernard immediately by email (Claudia_Bernard@ca9.uscourts.gov) if counsel has an unavoidable scheduling conflict. Please copy all counsel on any such communications. All discussions that take place in the context of the conference are strictly confidential. See Circuit Rule 33-1. For more detailed information about the conference, confidentiality, the Mediation Program and its procedures generally, please see the attachment to this order and the Mediation Program web page: www.ca9.uscourts.gov/mediation. [10372031] (Trierweiler, Nicole) [Entered: 03/27/2017 10:15 AM]
- 03/29/2017 20
Received 7 paper copies of Amicus Brief [14] filed by Albina Ministerial Alliance for Justice and Police Reform. [10375708] (RG) [Entered: 03/29/2017 10:35 AM]
- 03/29/2017 21
Filed four paper copies of supplemental excerpts of record [17] in 1 volume(s) filed by Amicus Curiae Albina Ministerial Alliance for Justice and Police Reform. [10377531] (GV) [Entered: 03/30/2017 12:50 PM]
- 04/11/2017 [22](#)
1 pg, 194.33 KB
MEDIATION CONFERENCE RESCHEDULED - DIAL-IN Mediation, 05/01/2017, 11:00 a.m. Pacific Time. (originally scheduled on 04/14/2017). [10392077] (BS) [Entered: 04/11/2017 01:37 PM]
- 05/04/2017 [23](#)
2 pg, 192.66 KB
Filed (ECF) notice of appearance of Denis M. Vannier for Petitioner City of Portland and - City of Portland. Date of service: 05/04/2017. [10421969] [16-73878] (Vannier, Denis) [Entered: 05/04/2017 11:25 AM]
- 05/04/2017 24
Added attorney Denis M. Vannier for City of Portland. [10422010] (RL) [Entered: 05/04/2017 11:35 AM]
- 05/11/2017 [25](#)
2 pg, 32.86 KB
Filed order MEDIATION (CLB): The undersigned will hold a meeting with the Department of Justice only, on May 12, 2017, at 9:30 a.m., in Washington, D.C. The undersigned will hold a meeting with the City of Portland only, at the Portland City Attorneys Office, on May 18, 2017, at 11:00 a.m. Pacific Time. The undersigned will hold a meeting with the City of Portland and Portland Police Association, at the Portland City Attorneys Office, on May 18, 2017, at 12:00 p.m. Pacific Time. The court will hold an in-person mediation on June 2, 2017, at 10:00 a.m., at the Pioneer Courthouse, 700 S.W. 6th Avenue, Portland, Oregon 97204 [telephone 503-833-5305]. [10430588] (JMR) [Entered: 05/11/2017 09:59 AM]
- 06/16/2017 [26](#)
2 pg, 45.16 KB
Filed order MEDIATION (CLB): A dial-in telephonic conference will be held on June 23, 2017, at 10:00 a.m. Pacific Time with the City of Portland, the Portland Police Association, and the Department of Justice. Each participant will receive an email with dial-in information. The court will hold an in-person mediation with the City of Portland, the Portland Police Association, the Department of Justice, and amicus Albina Ministerial Alliance Coalition for Justice and Police Reform on July 14, 2017, at 10:00 a.m., at the Pioneer Courthouse, 700 S.W. 6th Avenue, Portland, Oregon 97204 [telephone: 503-833-5305]. The participants should gather in the ADR Suite - 1st floor. [10477369] (OC) [Entered: 06/16/2017 03:23 PM]
- 06/28/2017 [27](#)
2 pg, 108.62 KB
Filed (ECF) notice of appearance of Jared D. Hager for Real Party in Interest USA. Date of service: 06/28/2017. [10491563] [16-73878] (Hager, Jared) [Entered: 06/28/2017 03:27 PM]
- 06/28/2017 28
Attorney Adrian Lee Brown substituted by Attorney Jared Hager. [10491651] (RL) [Entered: 06/28/2017 03:58 PM]
- 09/20/2017 [29](#)
1 pg, 32.11 KB
Filed order MEDIATION (CLB): The court will hold an in-person mediation with the City of Portland, the Portland Police Association, the Department of Justice, and amicus Albina Ministerial Alliance Coalition for Justice and Police Reform on October 6, 2017, at 10:00 a.m., at the Pioneer Courthouse, 700 S.W. 6th Avenue, Portland, Oregon 97204 [telephone: 503-833-5305]. [10588378] (JMR) [Entered: 09/20/2017 04:32 PM]
- 12/26/2017 [30](#)
3 pg, 181.26 KB
Filed (ECF) Petitioner City of Portland Motion to dismiss the case. Date of service: 12/26/2017. [10703737] [16-73878] (Vannier, Denis) [Entered: 12/26/2017 04:26 PM]
- 12/27/2017 [31](#)
1 pg, 31.91 KB
Filed order (Deputy Clerk: CLB) Petitioner's motion to voluntarily dismiss this petition for writ of mandamus (Docket Entry No. [30]) is granted. Fed. R. App. P. 42(b). The parties shall bear their own costs and attorneys' fees on appeal. A copy of this order shall serve as and for the mandate of this court. [10704456] (GWL) [Entered: 12/27/2017 10:57 AM]

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