Research Assistants LRC Training

All about caselaw and cases: researching caselaw, tracking cases, & finding court documents

JUDITH LIHOSIT
HEAD OF REFERENCE SERVICES
(619) 260-4752
JLIHOSIT@SANDIEGO.EDU
What we will cover

- **Caselaw**: how to search for caselaw quickly and effectively using WestlawNext & Lexis Advance
- **Cases**: case-tracking & finding court documents
Search techniques available to you

- Next generation search
  - Secret algorithm
  - Uses its editorial content: Key Number system (WLNext), Legal Topics (Lexis Advance), citators, secondary source content, information about search habits of its users

- Terms & Connectors
  - *Literal search*
  - Boolean Operators
  - Proximity Limiters
  - Truncation
  - Field/Segment Searching
Questions to ask before you start

- Which jurisdictions do you want me to focus on?
- Do you want all cases or just the recent ones? How recent?
- Do you want a hit list or do you want the actual cases? What format?
How can I make my searches more effective?

- Choose the right database
- Craft a smart search (on the 1st try)
Choose the right database

Ask yourself the following questions:

1. What type of materials am I looking for?
   Primary v. secondary sources

2. Which jurisdiction?

This is how most of WL & LN databases are arranged
Which jurisdiction?

What type? Secondary Sources? Which type of primary source?
## Cases

See specific court for coverage information. Search all Cases content above or navigate to specific content below.

- **All Federal Cases**
- **All State Cases**

### Federal Cases by Court

- U.S. Supreme Court
- U.S. Tax Court
- U.S. Court of Federal Claims
- U.S. Court of International Trade
- U.S. Court of Appeals for Veterans Claims
- Military Courts
- Judicial Panel on Multidistrict Litigation (JPML)

### Federal Cases by Circuit

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### Cases by State

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Home > Cases > California State & Federal Cases

California State Cases

See specific courts for coverage information. Search at California State Cases above or navigate to specific content below.

California Supreme Court
California Courts of Appeal
Start typing in what you are looking for, and WLNext will suggest possible databases.
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<td><strong>Table of Contents - Ballantine and Sterling California Corporation Laws</strong></td>
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<td>Berkeley Journal of African-American Law &amp; Policy</td>
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<tr>
<td>Berkeley Journal of Employment and Labor Law</td>
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<td>Berkeley Journal of Gender, Law &amp; Justice</td>
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</tbody>
</table>
Crafting a smart search

You control the search!

- How to increase the **breadth** of your search terms
  - Include **synonyms**
    - Use tobacco and cigar in addition to cigarette
    - Use Westlaw’s Thesaurus or Lexis’ “Suggest terms”
  - Use **truncators** to capture all forms of a word
    - Root expander = !
    - Litigat! → litigate, litigator, litigation
  - Use the **wild card** (*) to find a word you’re not sure how to spell
    - Marb*ry → Marbury, Marbary, Marbery
    - Wom*m → woman, women
Crafting a smart search

- **Narrow** your search by choosing less inclusive terms
  - Instead of “bird”, use “parrot” or “macaw”

- Take advantage of connectors, limiters, & expanders to broaden or narrow your search
  - To search for ERA and not era:
    - allcaps (era)
  - To search for “damage” and not “damages”:
    - Westlaw: #damage
    - Lexis: singular (damage)
  - and, or, /p, /s, /5, “”, date restrictors
If you enter a search that contains boolean connectors, your search will automatically be transformed into a terms & connectors search by both Lexis Advance & WestlawNext.
Take advantage of field/segment searching

- Each document is divided into sections

- **Idea**: increases relevant documents retrieved by limiting where your searches are performed
Advanced Search: Federal Cases

Find documents that have

- All of these terms: e.g., construction defect (searched as construction & defect)
- Any of these terms: e.g., physician surgeon (searched as physician OR surgeon)
- This exact phrase: e.g., medical malpractice (searched as "medical malpractice")

"Exclude documents" requires at least one additional field.

These terms

Document Fields (Boolean Terms & Connectors Only)

- Date: All
- Party Name
- Citation
- Synopsis
Attorney
Boies
   United States Court of Appeals, Second Circuit. | September 02, 1998 | 164 F.3d 617
   (Table, Text in WESTLAW), Unpublished Disposition | 1998 WL 646752

   This cause came on to be heard on the transcript of record from the United States District Court for the Southern District of New York and was argued. ON CONSIDERATION WHEREOF, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the judgment of the District Court is hereby AFFIRMED. Eastern Air Lines, Inc., et al. appeal from Judge Chin's grant of...

   ...Daniel S. Pearson Holland & Knight, Miami, Florida. Appearing for Appellees: David Boies Boies & Schiller, Armonk, New York. Present: WINTER, Chief Judge, and MESKILL...


   This court's opinion denying class certification at 597 F.3d 330 has been vacated by the Supreme Court in Erica P. John Fund, Inc., f/k/a Archdiocese of Milwaukee Supporting Fund, Inc. v. Halliburton Co., et al., — U.S. —, 131 S.Ct. 2179, 180 L.Ed.2d 24 (2011), holding that plaintiff does not need to...

   ...Carl E. Goldfarb, Boies, Schiller & Flexner, L.L.P., Fort Lauderdale, FL, David Boies, Boies, Schiller & Flexner, L.L.P., Armonk, NY, for Plaintiff–Appellant. Robb L...

3. In re Brand Name Prescription Drugs Antitrust Litigation
   United States Court of Appeals, Seventh Circuit. | May 06, 2002 | 288 F.3d 1028 | 2002 WL...
$37,500 each in their sex discrimination suit against their former employer, a law firm, the employees’ attorneys’ fee lodestar request was reduced by 60 percent to account for lack of success.


   JOHN A. DEEP, Plaintiff v. DAVID BOIES, Esq.; BOIES, SCHILLER, & FLEXNER, LLP; and STRAUS & BOIES, LLP, Defendants.

   ... and related state tort claims against his former attorney David Boies and the firms of Boies, Schiller, & Flexner, LLP and Straus & Boies, LLP. These claims arise from Defendants' representation of...

   ... (3d Dep't 1997). Thereafter, Plaintiff contends that Defendant David Boies engaged in a series of concealed sham transactions involving Mr. ...

   ... material received from Plaintiff. Finally, Plaintiff asserts that Defendant David Boies commingled funds and that he or Boies Family-controlled businesses took actions that were fraudulent and adverse to ...

   **Overview:** Under 28 U.S.C.S. § 1334(c)(2) court abstained from adjudicating client's legal malpractice and state tort claims against attorney and law firms based on review of six criteria, including that abstention motion was timely, underlying action was based on state law claims, and action was related to bankruptcy proceeding, but was not core proceeding.

5. **Anwar v. Fairfield Greenwich Ltd., 2015 U.S. Dist. LEXIS 27050**

   ... New York, NY; Adam S. Deckinger, PRO HAC VICE; Boies, Schiller & Flexner LLP (FL), Fort Lauderdale, FL; David A. Barrett, Boies, Schiller & Flexner LLP (NYC), New York, NY; Eli Justin Glasser, PRO HAC VICE, Boies, Schiller & Flexner LLP (FL), Fort Lauderdale, FL; Howard L. Vickery, II, Boies, Schiller & Flexner, LLP (NYC), New York, NY; Jody Krisiloff ...

   ... New York, NY; Jonathan Edgar Pollard, PRO HAC VICE, Boies, Schiller & Flexner LLP (NYC), New York, NY; Adam S. Deckinger, PRO HAC VICE, Boies, Schiller & Flexner LLP (FL), Fort Lauderdale, FL; David A. Barrett, Boies, Schiller & Flexner LLP (FL), Fort Lauderdale, FL; Howard L. Vickery, II, Boies, Schiller & Flexner, LLP (NYC), New York, NY; Jody Krisiloff ...

   ... New York, NY; Jonathan Edgar Pollard, PRO HAC VICE, Boies, Schiller & Flexner LLP (NYC), New York, NY; Adam S. Deckinger, PRO HAC VICE, Boies, Schiller & Flexner LLP (FL), Fort Lauderdale, FL; David A. Barrett, Boies, Schiller & Flexner LLP (FL), Fort Lauderdale, FL; Howard L. Vickery, II, Boies, Schiller & Flexner, LLP (NYC), New York, NY; Jody Krisiloff ...
TOPICAL SEARCHING
Federal Cases

Federal Cases by Court

U.S. Supreme Court
U.S. Tax Court
U.S. Court of Federal Claims
U.S. Court of International Trade
U.S. Court of Appeals for Veterans Claims
Military Courts
Judicial Panel on Multidistrict Litigation Cases

Federal Cases by Circuit

1st Circuit
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Federal Cases by State

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Rhode Island
South Carolina
South Dakota
Tennessee
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Vermont
Virginia
Washington
West Virginia
Wisconsin
Wyoming

Search query: "internet /s "copyright infringement""

Tools & Resources

Federal Sentencing
Federal Dockets
   1995 WL 707167

   Copyright holders brought infringement action against operator of computer bulletin board service (BBS) and Internet access provider, seeking to hold defendants liable for copyright infringement committed by BBS subscriber. Access provider filed motion for summary judgment, operator filed motion for judgment on the pleadings, and holders...

   ...action against operator of computer bulletin board service (BBS) and Internet access provider, seeking to hold defendants liable for copyright infringement committed by BBS subscriber. Access provider filed motion for summary...

   ...99 72 Actions for Infringement 99 77 k. Persons liable. Internet access provider could not be held liable for contributory copyright infringement based on infringing messages posted on Usenet newsgroup before it...

   United States Court of Appeals, Ninth Circuit. February 12, 2001 239 F.3d 1004 2001 WL 115033

   INTELLECTUAL PROPERTY - Computers and Online Services. Transmission of digital audio files over Internet was not fair use of copyrighted musical works.

   ...Amended April 3, 2001. Record companies and music publishers brought copyright infringement action against Napster, an Internet service that facilitated the transmission and retention of digital audio...

   ...owned or administered more than 70% of files available on Internet service that facilitated transmission and retention of digital audio files by its users established prima

United States Court of Appeals, Ninth Circuit.

February 12, 2001

239 F.3d 1004
57 U.S.P.Q.2d 1729

50 U.S. 5002 2001

See Additional Citations (Approx. 38)


v.

NAPSTER, INC., Defendant–Appellant.

Jerry Leiber, individually and doing business as, Jerry Leiber Music; Mike Stoller and Frank Music Corp., on behalf of themselves and all others similarly situated, Plaintiffs–Appellees,

v.

Napster, Inc., Defendant–Appellant.

Nos. 00–16401, 00–16403.

Argued and Submitted Oct. 2, 2000

Filed Feb. 12, 2001

As Amended April 3, 2001.

Record companies and music publishers brought copyright infringement action against Napster, an Internet service that facilitated the transmission and retention of digital audio...
West Headnotes (41)

1 Federal Courts Preliminary injunction; temporary restraining order
   Court of Appeals reviews a grant or denial of a preliminary injunction for abuse of discretion, and application of erroneous legal principles represents an abuse of discretion by the district court.
   6 Cases that cite this headnote

2 Federal Courts Preliminary injunction; temporary restraining order
   If the district court is claimed to have relied on an erroneous legal premise in reaching its decision to grant or deny a preliminary injunction, Court of Appeals will review the underlying issue of law de novo.
   6 Cases that cite this headnote

3 Federal Courts Preliminary injunction; temporary restraining order
   In reviewing grant of preliminary injunction, Court of Appeals is required to determine whether the court employed the appropriate legal standards governing the issuance of a preliminary injunction and whether the district court correctly apprehended the law with respect to the underlying issues in the case; as long as the district court got the law right, it will not be reversed simply because the appellate court would have arrived at a different result if it had applied the law to the facts of the case.
Copyrights and Intellectual Property

Audio Home Recording Act section precluding copyright infringement actions based on manufacture, importation, or distribution of digital audio recording device or digital audio recording medium, or based on noncommercial use by a consumer of such a device or medium for making digital musical recordings, did not extend to downloading of digital audio files to computer hard drives; computers and their hard drives were not “digital audio recording devices” because their primary purpose was not to make digital audio copied recordings, and computers did not make digital music recordings as defined by the Act. 17 U.S.C.A. § 1008.

3 Cases that cite this headnote

Copyrights and Intellectual Property

Preliminary injunction
Record companies and music publishers alleging contributory and vicarious copyright infringement by Internet service that facilitated transmission and retention of digital audio files by its users raised sufficiently serious questions, and established that balance of hardships tipped in its favor, as to service’s claim that Digital Millennium Copyright Act’s “safe harbor” provision protected service from liability, for purpose of companies’ and publishers’ motion for preliminary injunction. 17 U.S.C.A. § 512.

41 Cases that cite this headnote

Abandonment
You can broaden or narrow your jurisdiction here.
Jurisdiction (Select up to 3)

- All Federal
- By Court
  - United States Supreme Court
  - Federal Courts of Appeal
  - Federal District Courts
  - Bankruptcy Courts
  - Tax Court

- By Circuit
  - 1st Circuit
  - 2nd Circuit
  - 3rd Circuit
  - 4th Circuit
  - 5th Circuit
  - 6th Circuit
  - 7th Circuit

Include Related Federal

Apply Cancel

Document Preview: COPYRIGHTS - Music. Court found vicarious liability for copyright infringement at restaurant and lounge.


United States District Court, C.D. California. December 8, 2010. 765 F. Supp. 2d 1198

Headnote: Owner of Internet website was liable for copyright infringement to record company that owned copyrights to musical recordings when website owner reproduced recordings without authorization and distributed more than 67,000 of the recordings via its interactive website either as downloads or streaming transmissions; although website owner had applied for license, it had not been approved, and although website owner claimed that the recordings were pure sound simulations, they were not independent works, original from the copyrighted material. 17 U.S.C.A. §§ 101, 105, 112(a)(1), 114(a)(7), 117.

Document Preview: COPYRIGHTS - Internet. Website owner was liable for copyright infringement, misappropriation, unfair competition, and conversion.
1. Swatch Group Management Services Ltd. v. Bloomberg L.P.
United States Court of Appeals, Second Circuit. May 30, 2014. 756 F.3d 73

Headnote: Purpose and character of the use favored finding of fair use by news service of manufacturer’s earnings call, which had been conducted with group of securities analysts by telephone, recorded by news service without authorization, and made available by transcript to news service’s subscribers, even though use was commercial in nature; by disseminating full, unadulterated recording of earnings call, news service was able to convey valuable factual information that would have been impaired if news service had undertaken to alter speech of manufacturer’s executives by interjecting its own interpretation and news service’s use did no harm to legitimate copyright interests of original author. 17 U.S.C.A. § 107(1).

Document Preview: COPYRIGHTS - Fair Use. Factor of “purpose and character of the use” favored finding of fair use by news service of manufacturer’s earnings call.

2. Swatch Group Management Services Ltd. v. Bloomberg L.P.
United States Court of Appeals, Second Circuit. May 30, 2014. 756 F.3d 73

Headnote: Nature of copyrighted work favored finding of fair use by news service of manufacturer’s earnings call, which had been conducted with group of securities analysts by telephone, recorded by news service without authorization, and made available by transcript to news service’s subscribers, although earnings call technically was unpublished, where manufacturer’s earnings call was unedited, unaltered, and verbatim.

Document Preview: COPYRIGHTS - Fair Use. Factor of “nature of copyrighted work” favored finding of fair use by news service of manufacturer’s earnings call.
You can browse up the tree and search through broader key number topics.
You can now run a search within this broader selection of key number topics.
And now we have 7 rather than just 1 hit!
A&M Records v. Napster, Inc., 239 F.3d 1004

United States Court of Appeals for the Ninth Circuit

October 2, 2000, Argued and Submitted, San Francisco, California; February 12, 2001, Filed

No. 00-16401, No. 00-16403

Reporter

A&M RECORDS, INC., a corporation; GEFFEN RECORDS, INC., a corporation; INTERSCOPE RECORDS; SONY MUSIC ENTERTAINMENT, INC.; MCA RECORDS, INC.; ATLANTIC RECORDING CORP.; ISLAND RECORDS, INC.; MOTOWN RECORD CO.; CAPITOL RECORDS, INC., Plaintiffs-Appellees, v. NAPSTER, INC., Defendant-Appellant. JERRY LEIBER, individually and doing business as, JERRY LEIBER MUSIC; MIKE STOLLER and FRANK MUSIC CORP., on behalf of themselves and all others similarly situated, Plaintiffs-Appellees, v. NAPSTER, INC., Defendant-Appellant.

Subsequent History: As Amended April 3, 2001.
HN29 Computers and their hard drives are not digital audio recording devices because their primary purpose is not to make digital audio copied recordings. Shepardize - Narrow by this Headnote

HN30 Computers do not make digital music recordings as defined by the Audio Home Recording Act. Shepardize - Narrow by this Headnote
Citing Decisions (22)

1st Circuit - U.S. District Courts

1. Sony BMG Music Entm't v. Tenenbaum
Cited by:
721 F. Supp. 2d 85 p.90
Peer-to-peer networks allow users to share with others digital files stored on their computers. See A&M Records, Inc. v. Napster, Inc., 239 F.3d 1004, 1011-13 (9th Cir. 2001).
Although such networks have legitimate uses, they are often used to share copyrighted works without authorization from the copyrights' owners.

2nd Circuit - U.S. District Courts

2. Arista Records LLC v. Lime Group LLC
784 F. Supp. 2d 398, 2011 U.S. Dist. LEXIS 47455
Cited by:

Narrow By

HN29
... programs, including the distributors of the programs Napster, Kazaa, Morpheus, and Grokster, have faced liability for copyright infringement, on the ground that they facilitated infringement committed by users of their programs. See e.g., A&M Records, Inc. v. Napster, Inc., 239 F.3d 1004 (9th Cir. 2001). Napster, Inc. was one of the first companies to develop a file-sharing program that permitted users to exchange digital recordings via the Internet. The vast majority of files...

3. Arista Records LLC v. Lime Group LLC


... programs, including the distributors of the programs Napster, Kazaa, Morpheus, and Grokster, have faced liability for copyright infringement, on the ground that they facilitated infringement committed by users of their programs. See e.g., A&M Records, Inc. v. Napster, Inc., 239 F.3d 1004 (9th Cir. 2001). Napster, Inc. was one of the first companies to develop a file-sharing program that permitted users to exchange digital recordings via the Internet. The vast majority of files...

4. Arista Records LLC v. Gaines

635 F. Supp. 2d 414, 2009 U.S. Dist. LEXIS 54347

... Plaintiffs also have shown that Defendant copied the recordings in question, as use of an online media system to make music available to be downloaded by others and to be included in online media compilations, where such compilations are available for sale and downloading, is copyright infringement.
Don’t forget to Shepardize / Keycite!

**KeyCite** and **Shepard’s** can be used to find all the ways that other cases have treated your case. They will show you:

- Other cases that have followed the rule of law set by your case
- Cases that are distinguishable on the facts of your case
- Cases that criticize your case
- Cases that reverse your case or overturn a point of law found in your case
Case-Tracking

- **Opinions** or **orders** for new or unpublished cases
- **Court filings**: briefs & petitions, complaint, answer, motions, etc.
- **Status** of the case: check the docket
- **Places to look**: Bloomberg Law, PACER, WL & Lexis, court websites
**PACER**

- **What it is:** federal case and docket information from appellate, district & bankruptcy courts.

- **Access through:**
  - [www.pacer.gov](http://www.pacer.gov)
  - Court website—look for CM/ECF link
  - Also accessible through Bloomberg Law
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MAR 10
Westlaw Training
12 p.m. – 1 p.m.
Pardee Legal Research Center Computer Lab, Rm 122

MAR 11
Lexis Advance Training
12 p.m. – 12:50 p.m.
Pardee Legal Research Center Computer Lab, Rm 122

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<td><strong>Last Updated</strong></td>
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<td><strong>Federal Nature of Suit</strong></td>
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Current on Bloomberg Law as of Apr 22, 2015 16:51:11

United States Court of Appeals for the Ninth Circuit
Docket for Case #: 11-10669

USA v. Barry Bonds

Date Filed: Dec 22, 2011
Status: Closed
Related Cases: 09-10079 on Mar 3, 2009
Status: closed
Decision Date: Jun 11, 2010
Note: Affirmed - Opinion

Original Cases:
District: 0971
NOA Date: Dec 21, 2011

Plaintiff - Appellee,
UNITED STATES OF AMERICA

Parties and Attorneys

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Personal: 415-436-6750
[COR LD NTC Assist US Attorney]

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130 Almaden Boulevard
San Jose, CA 95113
Personal: 408-335-5045
[COR LD NTC Assist US Attorney]

Matthew A. Parrella, Assistant U.S.
Attorney
Office of the US Attorney
[Corresponding information]

Related Opinion(s):
- 2013 BL 244284
- 2014 BL 183279
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<th>BL Item #</th>
<th>Filing Date</th>
<th>Action</th>
<th>Description</th>
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<tr>
<td>BL-1</td>
<td>Dec 22, 2011</td>
<td>View</td>
<td>DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. Reporters Transcript required. Yes. Sentence imposed: 2 years probation. Transcript ordered by 01/11/2012. Transcript due 02/10/2012. Appellant briefs and excepts due by 03/21/2012 for Barry Lamar Bonds. Appellee brief due 04/20/2012 for United States of America. Appellant's optional reply brief is due 14 days after service of the answering brief. [8910268] (BY)</td>
</tr>
<tr>
<td>BL-2</td>
<td>Mar 14, 2012</td>
<td>Request</td>
<td>Filed (ECF) Appellant Barry Lamar Bonds Motion to extend time to file Opening brief until 04/20/2012. Date of service: 03/14/2012. [8103981] (DPR)</td>
</tr>
<tr>
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<td>Mar 14, 2012</td>
<td>Request</td>
<td>Filed clerk order (Deputy Clerk: amt): Granting unopposed (ECF Filing) motion to extend time to file the opening brief. The opening brief and excepts due by 04/20/2012. The answering brief due 05/21/2012. The optional reply brief is due 14 days after service of the answering brief. [9104909] [11-10669] (AT)</td>
</tr>
<tr>
<td>BL-4</td>
<td>Apr 13, 2012</td>
<td>Request</td>
<td>Filed (ECF) Appellant Barry Lamar Bonds Motion to extend time to file Opening brief until 05/04/2012. Date of service: 04/13/2012. [8140296] (DPR)</td>
</tr>
<tr>
<td>BL-5</td>
<td>Apr 16, 2012</td>
<td>Request</td>
<td>Filed clerk order (Deputy Clerk: amt): Granting (ECF Filing) motion to further extend time to fill the opening brief filed by Appellant Barry Lamar Bonds. The opening brief and excepts due by 05/04/2012. The answering brief due 06/04/2012. The optional reply brief is due 14 days after service of the answering brief. [8141042] [11-10669] (AT)</td>
</tr>
<tr>
<td>BL-6</td>
<td>May 3, 2012</td>
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<td>Filed clerk order: The opening brief submitted by Barry Lamar Bonds is filed. Within 7 days of the filing of this order, 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 to the version submitted electronically. Cover color: blue. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. [8163822] (LA)</td>
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No. 11-10669

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

United States of America,

Plaintiff-Appellee,

v.

Barry Lamar Bonds,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District Court No. 07-CR00732-SI

APPELLANT'S OPENING BRIEF

Dennis P. Riordan
Donald M. Horgan
Riordan & Horgan
523 Octavia Street
San Francisco, CA 94102

Ted Sampsell Jones
William Mitchell College of Law
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General Docket
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 14-16601
Nature of Suit: 3410 Antitrust
Edward O'Bannon, Jr. v. NCAA, et al
Appeal From: U.S. District Court for Northern California, Oakland
Fee Status: Paid

Case Type Information:
1) civil
2) private
3) null

Originating Court Information:
District: 0971-1: 4:09-cv-03329-CW
Court Reporter: Joan Marie Columbini
Court Reporter: Raynee Mercado
Court Reporter: Diane E. Skilman, Official Court Reporter
Trial Judge: Claudia Wilken, Senior District Judge
Date Filed: 07/21/2009
Date Order/Judgment: 08/19/2014
Date Order/Judgment EOD: 08/19/2014
Date NOA Filed: 08/20/2014
Date Rec'd COA: 08/20/2014

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<td>14-16601</td>
<td>14-17068</td>
<td>10/27/2014</td>
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EDWARD C. O'BANNON, Jr., On Behalf of Himself and All Others Similarly Situated
Plaintiff - Appellee,

Michael D. Hausfeld
Direct: 202-540-7200
Hausfeld LLP
Suite # 650
1700 K Street, NW
Washington, DC 20006

William A. Isaacson, Attorney
Direct: 202-237-2727
GRAND ISLES, SCHILLER & FLEXNER, LLP
Suite 800
5301 Wisconsin Avenue Northwest
08/28/2014  4  Added attorney Seth P. Waxman for NCAA, in case 14-16601. [9222007] (SW) [Entered: 08/28/2014 08:33 AM]
08/28/2014  5  Filed (ECF) Appellant NCAA Mediation Questionnaire. Date of service: 08/29/2014. [9223429] (SPW) [Entered: 08/28/2014 06:45 PM]
09/05/2014  6  Added attorney Daniel Volchok for NCAA, in case 14-16601. [9229610] (WP) [Entered: 09/05/2014 09:33 AM]
09/19/2014  7  Filed (ECF) Appellant NCAA Joint Motion for miscellaneous relief [To revise briefing schedule and set oral-argument date.]. Date of service: 09/19/2014. [9246759] (SPW) [Entered: 09/19/2014 02:24 PM]
09/24/2014  8  Filed order (Appellate Commissioner): The parties’ joint motion to revise the briefing schedule is granted. The request to set this appeal for oral argument is granted in part. The opening brief is due November 14, 2014. The answering brief is due January 21, 2015, and the optional reply brief is due February 11, 2015. Streamlined requests are prohibited and any motion for an extension of time pursuant to Ninth Circuit Rule 31-2.2(b) is disfavored. This appeal shall be calendared as soon as practicable. The parties are reminded that this appeal will be acceded hearing or submission priority under Ninth Circuit Rule 34-3(3). (Pro Mo) [9251615] (OC) [Entered: 09/24/2014 10:08 AM]
10/27/2014  9  Filed clerk order (Deputy Clerk: LSC): The court sua sponte consolidates appeal Nos. 14-16601 and 14-17068. The appeals are now consolidated. The briefing schedule established on October 21, 2014 in appeal No. 14-17068 is vacated. The briefing schedule established on September 24, 2014 in appeal No. 14-16601 shall apply to these consolidated appeals. [9290798] [14-16601, 14-17068] (AF) [Entered: 10/27/2014 10:07 AM]
10/29/2014 11  Received notification from District Court re: payment of docket fee (for appeal: 14-17068) Amount Paid: USD 565.00. Date paid: 10/28/2014. [9295342] [14-17068, 14-16601] (RT) [Entered: 10/29/2014 05:15 PM]
11/03/2014 12  Filed Mediation order: This case is NOT SELECTED for inclusion in the Mediation Program. Counsel may contact circuit mediator to discuss services available through the court’s mediation program, to request a settlement assessment conf., or to request a stay of the appeal for settlement purposes. Also, upon agreement of the parties, the brief sch can be modified or vacated to facilitate settlement discussions. CSs are requested to send copies of this order to their clients. Info regarding the mediation program may be found at www.ca9.uscourts.gov/mediation. [9303120] [14-16601, 14-17068] (CL) [Entered: 11/03/2014 04:32 PM]
11/17/2014 14  Filed clerk order: The opening brief [13] submitted by NCAA 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 to the version submitted electronically. Cover color: blue. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. The Court has reviewed the excerpts of record [13] submitted by NCAA. 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. [9315065] [14-16601, 14-17068] (WP) [Entered: 11/17/2014 10:36 AM]
5 Documents are attached to this filing

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<td>Excerpts Volume III part 2</td>
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887 pages

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UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

EDWARD O’BANNON, JR.,
ON BEHALF OF HIMSELF AND ALL OTHERS SIMILARLY SITUATED,
Plaintiff-Appellee,

v.

NATIONAL COLLEGIATE ATHLETIC ASSOCIATION,
Defendant-Appellant,

and

ELECTRONIC ARTS, INC.; COLLEGIATE LICENSING COMPANY,
Defendants.

Appeals from the United States District Court for the Northern District of California, No. 09-cv-03329 (Wilken, C.J.)

BRIEF FOR THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

GLENN D. POMERantz
Kelly M. Klaus
Luis Li
Rohit K. Singla
Carolyn H. Luedtke
Thane Rehn
Justin P. Raphael

SETH P. WAXMAN
Leon B. Greenfield
Daniel S. Volchok
David M. Lehn
Weili J. Shaw
Matthew J. Tokson
Wilmer Cutler Pickering
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Circuit Judge Jacqueline H. Nguyen

- (04/22/15) US v. Barry Bonds, No. 11-10669
- (04/14/15) US v. Lynch, 10-50219 and 10-50624
- (04/06/15) Peruta v. County of San Diego, 10-56971
- (03/20/15) Edward O’Bannon, Jr. v. NCAA, 14-16601
- (02/09/15) Rolando v. Fox, 14-35987 “Montana Gay Marriage”
- (02/05/15) Institute of Cetacean Research v. Sea Shepherd Conservation Society, 12-35268
- (01/12/15) Latta v. Otter, 14-35420 & 14-35421

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Announcements
- (10/22/14) Live Streaming of The Life and Times of Judge Matthew P. Deady
- (10/17/14) Viewing Oral Arguments on the Internet
- (08/29/14) Appellate Practice Guide Now Available
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