

**General Docket  
United States Court of Appeals for the Ninth Circuit**

**Court of Appeals Docket #:** 20-55668

**Docketed:** 07/01/2020

**Nature of Suit:** 3440 Other Civil Rights

Melissa Ahlman, et al v. Don Barnes, et al

**Appeal From:** U.S. District Court for Central California, Santa Ana

**Fee Status:** Paid

**Case Type Information:**

- 1) civil
- 2) private
- 3) null

**Originating Court Information:**

**District:** 0973-8 : [8:20-cv-00835-JGB-SHK](#)

**Trial Judge:** Jesus G. Bernal, District Judge

**Date Filed:** 04/30/2020

| <b>Date<br/>Order/Judgment:</b> | <b>Date Order/Judgment<br/>EOD:</b> | <b>Date NOA<br/>Filed:</b> | <b>Date Rec'd<br/>COA:</b> |
|---------------------------------|-------------------------------------|----------------------------|----------------------------|
| 06/26/2020                      | 06/26/2020                          | 06/29/2020                 | 06/30/2020                 |

**Prior Cases:**

None

**Current Cases:**

| <b>Lead</b>                              | <b>Member</b> | <b>Start</b> | <b>End</b> |
|------------------------------------------|---------------|--------------|------------|
| Consolidated<br><a href="#">20-55568</a> | 20-55668      | 10/15/2020   |            |

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WAGNER, on behalf of themselves and all others similarly situated,

Plaintiffs - Appellees,

v.

DON BARNES, in his official capacity as Sheriff of Orange County, California; COUNTY OF ORANGE,

Defendants - Appellants.

|            |                                              |                                                                                                                                                                                                                                                                                                                                                                                                                          |
|------------|----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 07/01/2020 | <a href="#"><u>1</u></a><br>28 pg, 1.6 MB    | DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. SEND MQ: Yes. The schedule is set as follows: to be set. Preliminary Injunction Appeal. C.R. 3-3. [11739753] (RT) [Entered: 07/01/2020 12:23 PM]                                                                                                                                                                                                                      |
| 07/01/2020 | <a href="#"><u>2</u></a><br>179 pg, 14.83 MB | Filed (ECF) Appellants Don Barnes and County of Orange EMERGENCY Motion to stay lower court action. Date of service: 07/01/2020. [11739963] [20-55668] (Watson, Kayla) [Entered: 07/01/2020 02:23 PM]                                                                                                                                                                                                                    |
| 07/02/2020 | <a href="#"><u>3</u></a><br>32 pg, 400.31 KB | Filed (ECF) Appellees Melissa Ahlman, Pedro Bonilla, Cynthia Campbell, Monique Castillo, Javier Esparza, Daniel Kauwe, Cecibel Caridad Ortiz, Michael Seif, Mark Trace and Don Wagner response opposing motion ([ <a href="#"><u>2</u></a> ] Motion (ECF Filing), [ <a href="#"><u>2</u></a> ] Motion (ECF Filing)). Date of service: 07/02/2020. [11741375] [20-55668] (Kamin, Mitchell) [Entered: 07/02/2020 03:56 PM] |
| 07/03/2020 | <a href="#"><u>4</u></a><br>7 pg, 192.18 KB  | Filed order (SUSAN P. GRABER, KIM MCLANE WARDLAW and RYAN D. NELSON, dissenting) We therefore deny Defendants' emergency motion to stay the preliminary injunction (Docket Entry No. [ <a href="#"><u>2</u></a> ]). The previously established briefing schedule remains in effect. IT IS SO ORDERED. (See Order for Complete Text) [11741708] (HH) [Entered: 07/03/2020 05:12 PM]                                       |

|            |                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|------------|--------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 07/06/2020 | <a href="#">5</a><br>2 pg, 125.26 KB | Filed clerk order (Deputy Clerk: TSP): The appeal filed June 29, 2020 is a preliminary injunction appeal. Accordingly, Ninth Circuit Rule 3-3 shall apply. The mediation questionnaire is due three days after the date of this order. If they have not already done so, within 7 calendar days after the filing date of this order, the parties shall make arrangements to obtain from the court reporter an official transcript of proceedings in the district court that will be included in the record on appeal. The briefing schedule shall proceed as follows: the opening brief and excerpts of record are due not later than July 27, 2020; the answering brief is due August 24, 2020 or 28 days after service of the opening brief, whichever is earlier; and the optional reply brief is due within 21 days after service of the answering brief. See 9th Cir. R. 3-3(b). No streamlined extensions of time will be approved. See 9th Cir. R. 31-2.2(a)(3). Any request for an extension of time to file a brief must be made by written motion under Ninth Circuit Rule 31-2.2(b). Failure to file timely the opening brief shall result in the automatic dismissal of this appeal by the Clerk for failure to prosecute. See 9th Cir. R. 42-1. [11742373] (JBS) [Entered: 07/06/2020 10:26 AM] |
| 07/08/2020 | <a href="#">6</a><br>2 pg, 117.48 KB | Filed (ECF) Appellants County of Orange and Don Barnes Mediation Questionnaire. Date of service: 07/08/2020. [11746633] [20-55668] (Watson, Kayla) [Entered: 07/08/2020 05:26 PM]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 07/08/2020 | 7                                    | The Mediation Questionnaire for this case was filed on 07/08/2020.<br>To submit pertinent <b>confidential</b> information directly to the Circuit Mediators, please use the following <a href="#">link</a> .<br>Confidential submissions may include any information relevant to mediation of the case and settlement potential, including, but not limited to, settlement history, ongoing or potential settlement discussions, non-litigated party related issues, other pending actions, and timing considerations that may impact mediation efforts.[11746696]. [20-55668] (AD) [Entered: 07/08/2020 06:44 PM]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 07/20/2020 | <a href="#">8</a><br>5 pg, 260.76 KB | Filed (ECF) Appellants Don Barnes and County of Orange Motion to extend time to file Opening brief until 08/31/2020. Date of service: 07/20/2020. [11759596] [20-55668] (Watson, Kayla) [Entered: 07/20/2020 05:11 PM]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 07/28/2020 | <a href="#">9</a><br>2 pg, 65.68 KB  | Filed (ECF) Appellants Don Barnes and County of Orange Stipulated Motion to consolidate cases 20-55568; 20-55668. Date of service: 07/28/2020. [11769047] [20-55668] (Watson, Kayla) [Entered: 07/28/2020 11:34 AM]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

|            |                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|------------|----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 08/05/2020 | <a href="#">10</a><br>8 pg, 74.94 KB   | Received letter from the Supreme Court dated 08/05/2020: The application for stay presented to JUSTICE KAGAN and by her referred to the Court is granted, and the districtcourt's May 26, 2020 order granting a preliminary injunction is stayed pending disposition of the appeal in the United States Court of Appeals for the Ninth Circuit anddisposition of the petition for a writ of certiorari, if such writis timely sought. Should the petition for a writ of certioraribe denied, this stay shall terminate automatically. In the event the petition for a writ of certiorari is granted, the stayshall terminate upon the sending down of the judgment of this Court. JUSTICE BREYER and JUSTICE KAGAN would deny the application. JUSTICE SOTOMAYOR, with whom JUSTICE GINSBURG joins, dissenting from the grant of stay. Supreme Court No. 20A19. [11778739] [20-55568, 20-55668] (HH) [Entered: 08/05/2020 03:20 PM] |
| 08/25/2020 | <a href="#">11</a><br>9 pg, 25.29 KB   | Filed (ECF) Appellees Melissa Ahlman, Pedro Bonilla, Cynthia Campbell, Monique Castillo, Javier Esparza, Daniel Kauwe, Cecibel Caridad Ortiz, Michael Seif, Mark Trace and Don Wagner Motion to dismiss the case. Date of service: 08/25/2020. [11802860] [20-55668] (Kamin, Mitchell) [Entered: 08/25/2020 08:49 PM]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 08/31/2020 | <a href="#">12</a><br>65 pg, 998.93 KB | Submitted (ECF) Opening Brief for review. Submitted by Appellants Don Barnes and County of Orange. Date of service: 08/31/2020. [11808610] [20-55668]--[COURT UPDATE: Attached corrected brief. 09/14/2020 by SML]--[COURT UPDATE: Attached corrected brief. 10/16/2020 by SML] (Watson, Kayla) [Entered: 08/31/2020 05:54 PM]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 08/31/2020 | <a href="#">13</a><br>765 pg, 36.8 MB  | Submitted (ECF) excerpts of record. Submitted by Appellants Don Barnes and County of Orange. Date of service: 08/31/2020. [11808614] [20-55668]--[COURT UPDATE: Attached corrected excerpts. 09/14/2020 by SML] (Watson, Kayla) [Entered: 08/31/2020 06:00 PM]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 09/01/2020 | 14                                     | COURT DELETED INCORRECT/DUPLICATE ENTRY. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: <a href="#">13</a> . Original Text: Submitted (ECF) excerpts of record. Submitted by Appellants Don Barnes and County of Orange. Date of service: 09/01/2020. [11808817] [20-55668] (Watson, Kayla) [Entered: 09/01/2020 07:52 AM]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 09/04/2020 | <a href="#">15</a><br>10 pg, 371.78 KB | Filed (ECF) Appellants Don Barnes and County of Orange response opposing motion ([ <a href="#">11</a> ] Motion (ECF Filing), [ <a href="#">11</a> ] Motion (ECF Filing)). Date of service: 09/04/2020. [11813713] [20-55668] (Watson, Kayla) [Entered: 09/04/2020 11:40 AM]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

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| 09/11/2020 | <a href="#">16</a><br>14 pg, 123.08 KB | Filed (ECF) Appellees Melissa Ahlman, Pedro Bonilla, Cynthia Campbell, Monique Castillo, Javier Esparza, Daniel Kauwe, Cecibel Caridad Ortiz, Michael Seif, Mark Trace and Don Wagner reply to response (). Date of service: 09/11/2020. [11821071] [20-55668] (Kamin, Mitchell) [Entered: 09/11/2020 03:12 PM]                                                                                                                                                                                                                              |
| 09/28/2020 | <a href="#">17</a><br>70 pg, 594.76 KB | Submitted (ECF) Answering Brief for review. Submitted by Appellees Melissa Ahlman, Pedro Bonilla, Cynthia Campbell, Monique Castillo, Javier Esparza, Daniel Kauwe, Cecibel Caridad Ortiz, Michael Seif, Mark Trace and Don Wagner. Date of service: 09/28/2020. [11839959] [20-55668]--[COURT UPDATE: Attached corrected brief. 10/01/2020 by SML] (Kamin, Mitchell) [Entered: 09/28/2020 05:08 PM]                                                                                                                                         |
| 09/28/2020 | <a href="#">18</a><br>228 pg, 5.37 MB  | Submitted (ECF) supplemental excerpts of record. Submitted by Appellees Melissa Ahlman, Pedro Bonilla, Cynthia Campbell, Monique Castillo, Javier Esparza, Daniel Kauwe, Cecibel Caridad Ortiz, Michael Seif, Mark Trace and Don Wagner. Date of service: 09/28/2020. [11839966] [20-55668]--[COURT UPDATE: Attached corrected excerpts. 10/01/2020 by SML] (Kamin, Mitchell) [Entered: 09/28/2020 05:13 PM]                                                                                                                                 |
| 10/05/2020 | 19                                     | Filed (ECF) notice of appearance of Sarah, Ann, Hinger (American Civil Liberties Union, 125 Broad Street Floor 18, New York, New York 10004) for Appellees Melissa Ahlman, Pedro Bonilla, Cynthia Campbell, Monique Castillo, Javier Esparza, Daniel Kauwe, Cecibel Caridad Ortiz, Michael Seif, Mark Trace and Don Wagner. Date of service: 10/05/2020. (Party was previously proceeding with counsel.) [11847706] [20-55668] (Hinger, Sarah) [Entered: 10/05/2020 02:22 PM]                                                                |
| 10/05/2020 | 20                                     | Added Attorney(s) Sarah Hinger for party(s) Appellee Don Wagner, Appellee Pedro Bonilla, Appellee Daniel Kauwe, Appellee Monique Castillo, Appellee Mark Trace, Appellee Cynthia Campbell, Appellee Melissa Ahlman, Appellee Cecibel Caridad Ortiz, Appellee Javier Esparza and Appellee Michael Seif, in case 20-55668. [11847718] (QDL) [Entered: 10/05/2020 02:26 PM]                                                                                                                                                                     |
| 10/15/2020 | <a href="#">21</a><br>2 pg, 102.32 KB  | Filed order (WILLIAM A. FLETCHER and JAY S. BYBEE) Appellees' motions to dismiss these appeals as moot (Docket Entry No. <a href="#">[11802859-2]</a> in appeal No. 20-55568, Docket Entry No. 11 in appeal No. 20-55668) are referred to the panel assigned to decide the merits of these appeals. The motion to extend time to file the opening brief (Docket Entry No. 8 in appeal No. 20-55668) is granted. The stipulated motion to consolidate these appeals (Docket Entry No. <a href="#">[11768764-2]</a> in appeal No. 20-55568) is |

granted. These appeals are consolidated. The Clerk shall file the opening briefs at Docket Entry No. [[11808512-2](#)] in appeal No. 20-55568 and Docket Entry No. 12 in appeal No. 20-55668, the excerpts of record at Docket Entry No. [[11808608-2](#)] in appeal No. 20-55568 and Docket Entry No. 13 in appeal No. 20-55668, the answering briefs at Docket Entry No. [[11839946-2](#)] in appeal No. 20-55568 and Docket Entry No. 17 in appeal No. 20-55668, and the supplemental excerpts of record at Docket Entry No. [[11839954-2](#)] in appeal No. 20-55568 and Docket Entry No. 18 in appeal No. 20-55668. The optional consolidated reply brief is due 21 days after service of the answering brief. [11860582] [20-55568, 20-55668] (JBS) [Entered: 10/15/2020 03:47 PM]

10/16/2020 [22](#)  
2 pg, 95.55 KB

Filed clerk order: The opening brief [[11808512-2](#)] ([[12](#)] in 20-55668) submitted by Don Barnes and County of Orange is filed. Within 7 days of the filing of this order, filer is ordered to file 6 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 excerpts of record [[11808608-2](#)] ([[13](#)] in 20-55668) submitted by Don Barnes and County of Orange are filed. Within 7 days of this order, filer is ordered to file 3 copies of the excerpts in paper format securely bound on the left side, with white covers. The paper copies shall be submitted to the principal office of the Clerk. [11862534] [20-55568, 20-55668] (SML) [Entered: 10/16/2020 04:50 PM]

10/16/2020 [23](#)  
2 pg, 95.57 KB

Filed clerk order: The answering brief [[11839946-2](#)] ([[17](#)] in 20-55668) submitted by appellees is filed. Within 7 days of the filing of this order, filer is ordered to file 6 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: red. The supplemental excerpts of record [[11839954-2](#)] ([[18](#)] in 20-55668) submitted by appellees are filed. Within 7 days of this order, filer is ordered to file 3 copies of the excerpts in paper format securely bound on the left side, with white covers. The paper copies shall be submitted to the principal office of the Clerk. [11862581] [20-55568, 20-55668] (SML) [Entered: 10/16/2020 05:03 PM]

10/19/2020 [24](#)  
18 pg, 915.39 KB

Submitted (ECF) Reply Brief for review. Submitted by Appellants Don Barnes and County of Orange in 20-55568, 20-55668. Date of service: 10/19/2020. [11864288] [20-55568, 20-55668] (Watson, Kayla) [Entered: 10/19/2020 03:45 PM]

10/20/2020 [25](#)  
2 pg, 94.73 KB

Filed clerk order: The reply brief [[24](#)] submitted by Don Barnes and County of Orange is filed. Within 7 days of the filing of this

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|            |                                       | order, filer is ordered to file 6 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: gray. The paper copies shall be submitted to the principal office of the Clerk. [11865472] [20-55568, 20-55668] (SML) [Entered: 10/20/2020 12:42 PM] |
| 10/22/2020 | 26                                    | Received 6 paper copies of Opening Brief [ <a href="#">12</a> ] filed by Don Barnes and County of Orange in 20-55668. [11868750] [20-55568, 20-55668] (SD) [Entered: 10/22/2020 01:58 PM]                                                                                                                                                                                                  |
| 10/22/2020 | 27                                    | Received 6 paper copies of Reply Brief [ <a href="#">24</a> ] filed by Don Barnes and County of Orange. [11868758] [20-55568, 20-55668] (SD) [Entered: 10/22/2020 02:00 PM]                                                                                                                                                                                                                |
| 10/22/2020 | 28                                    | Received 6 paper copies of Opening Brief [ <a href="#">11808512-2</a> ] filed by Don Barnes and County of Orange in 20-55568. [11869268] [20-55568, 20-55668] (SD) [Entered: 10/22/2020 05:19 PM]                                                                                                                                                                                          |
| 10/23/2020 | 29                                    | Received 3 paper copies of excerpts of record [ <a href="#">11808608-2</a> ] in 4 volume(s) filed by Appellants Don Barnes and County of Orange in 20-55568. [11869852] [20-55568, 20-55668] (KWG) [Entered: 10/23/2020 11:28 AM]                                                                                                                                                          |
| 10/23/2020 | <a href="#">30</a><br>1 pg, 180.57 KB | Received Appellants Don Barnes and County of Orange in 20-55668 3 paper copies of excerpts of record [ <a href="#">13</a> ] in 4 volume(s). Deficiency: volume 4 submitted in separate parts. Corrections required (see attached notice). [11869863] [20-55568, 20-55668] (KWG) [Entered: 10/23/2020 11:32 AM]                                                                             |
| 10/23/2020 | 31                                    | Received 3 paper copies of supplemental excerpts of record [ <a href="#">11839954-2</a> ] in 1 volume(s) filed by Appellees in 20-55568. [11870596] [20-55568, 20-55668]--[COURT UPDATE: Updated docket text to reflect correct excerpts. 10/23/2020 by KWG] (KWG) [Entered: 10/23/2020 04:24 PM]                                                                                          |
| 10/23/2020 | 32                                    | Received 3 paper copies of supplemental excerpts of record [ <a href="#">18</a> ] in 1 volume(s) filed by Appellees in 20-55568. [11870601] [20-55568, 20-55668] (KWG) [Entered: 10/23/2020 04:25 PM]                                                                                                                                                                                      |
| 10/23/2020 | 33                                    | Received 6 paper copies of Answering Brief [ <a href="#">11839946-2</a> ] filed by Appellees in 20-55568. [11870661] [20-55568, 20-55668] (SD) [Entered: 10/23/2020 04:41 PM]                                                                                                                                                                                                              |
| 10/23/2020 | 34                                    | Received 6 paper copies of Answering Brief [ <a href="#">17</a> ] filed by Appellees in 20-55668. [11870693] [20-55668, 20-55568] (SD) [Entered: 10/23/2020 04:49 PM]                                                                                                                                                                                                                      |

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| 10/28/2020 | <a href="#">35</a><br>1 pg, 162.41 KB | Received Appellants Don Barnes and County of Orange in 20-55668 3 paper copies of Volume 4 of excerpts of record [ <a href="#">13</a> ]. Deficiency: excerpts are unbound or bound improperly. Corrections required (see attached notice). [11874622] [20-55568, 20-55668] (LA) [Entered: 10/28/2020 03:02 PM]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 11/05/2020 | 36                                    | Received correction to deficient excerpts of record [ <a href="#">13</a> ] from Appellants Don Barnes and County of Orange in 20-55668: properly bound replacement copies of Volume 4. [11883197] [20-55568, 20-55668] (LA) [Entered: 11/05/2020 01:25 PM]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 11/05/2020 | 37                                    | Received 3 paper copies of excerpts of record [ <a href="#">13</a> ] in 4 volume(s) filed by Appellants Don Barnes and County of Orange in 20-55668. [11883202] [20-55568, 20-55668] (LA) [Entered: 11/05/2020 01:26 PM]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 11/10/2020 | 38                                    | <p>This case is being considered for an upcoming oral argument calendar in Pasadena</p> <p>Please review the Pasadena sitting dates for March 2021 and the 2 subsequent sitting months in that location at <a href="http://www.ca9.uscourts.gov/court_sessions">http://www.ca9.uscourts.gov/court_sessions</a>. If you have an unavoidable conflict on any of the dates, please file <a href="#">Form 32</a> <b>within 3 business days of this notice</b> using the CM/ECF filing type <b>Response to Case Being Considered for Oral Argument</b>. Please follow the form's <a href="#">instructions</a> carefully.</p> <p>When setting your argument date, the court will try to work around unavoidable conflicts; the court is not able to accommodate mere scheduling preferences. You will receive notice that your case has been assigned to a calendar approximately 10 weeks before the scheduled oral argument date.</p> <p>If the parties wish to discuss settlement before an argument date is set, they should jointly request referral to the mediation unit by filing a letter <b>within 3 business days of this notice</b>, using CM/ECF (<b>Type of Document:</b> Correspondence to Court; <b>Subject:</b> request for mediation).[11887682]. [20-55568, 20-55668] (AW) [Entered: 11/10/2020 08:41 AM]</p> |
| 11/10/2020 | <a href="#">39</a><br>1 pg, 161.7 KB  | Filed (ECF) Attorney Kayla Nicole Watson for Appellants Don Barnes and County of Orange in 20-55568, 20-55668 response to notice for case being considered for oral argument. Date of service: 11/10/2020. [11888269] [20-55568, 20-55668] (Watson, Kayla) [Entered: 11/10/2020 11:38 AM]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

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| 12/07/2020 | 40                                   | <p>This case is being considered for an upcoming oral argument calendar in Pasadena</p> <p>Please review the Pasadena sitting dates for April 2021 and the 2 subsequent sitting months in that location at <a href="http://www.ca9.uscourts.gov/court_sessions">http://www.ca9.uscourts.gov/court_sessions</a>. If you have an unavoidable conflict on any of the dates, please file <a href="#">Form 32</a> <b>within 3 business days of this notice</b> using the CM/ECF filing type <b>Response to Case Being Considered for Oral Argument</b>. Please follow the form's <a href="#">instructions</a> carefully.</p> <p>When setting your argument date, the court will try to work around unavoidable conflicts; the court is not able to accommodate mere scheduling preferences. You will receive notice that your case has been assigned to a calendar approximately 10 weeks before the scheduled oral argument date.</p> <p>If the parties wish to discuss settlement before an argument date is set, they should jointly request referral to the mediation unit by filing a letter <b>within 3 business days of this notice</b>, using CM/ECF (<b>Type of Document:</b> Correspondence to Court; <b>Subject:</b> request for mediation).[11917355]. [20-55568, 20-55668] (AW) [Entered: 12/07/2020 02:41 PM]</p> |
| 12/08/2020 | 41                                   | <p>Filed (ECF) notice of appearance of Corene Thaedra Kendrick (American Civil Liberties Union Foundation, 39 Drumm St., San Francisco, CA 94111) for Appellees Melissa Ahlman, Pedro Bonilla, Cynthia Campbell, Monique Castillo, Javier Esparza, Daniel Kauwe, Cecibel Caridad Ortiz, Michael Seif, Mark Trace and Don Wagner in 20-55568, 20-55668. Date of service: 12/08/2020. (Party was previously proceeding with counsel.) [11918770] [20-55568, 20-55668] (Kendrick, Corene) [Entered: 12/08/2020 12:30 PM]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 12/08/2020 | 42                                   | <p>Added Attorney(s) Corene Thaedra Kendrick for party(s) Appellee Don Wagner, Appellee Pedro Bonilla, Appellee Daniel Kauwe, Appellee Monique Castillo, Appellee Mark Trace, Appellee Cynthia Campbell, Appellee Melissa Ahlman, Appellee Cecibel Caridad Ortiz, Appellee Javier Esparza and Appellee Michael Seif, in cases 20-55668 and 20-55568. [11918858] [20-55568, 20-55668] (QDL) [Entered: 12/08/2020 01:14 PM]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 12/10/2020 | <a href="#">43</a><br>1 pg, 11.28 KB | <p>Filed (ECF) Appellees Melissa Ahlman, Pedro Bonilla, Cynthia Campbell, Monique Castillo, Javier Esparza, Daniel Kauwe, Cecibel Caridad Ortiz, Michael Seif, Mark Trace and Don Wagner in 20-55568, 20-55668 Correspondence: Joint Request for</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

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|            |                                       | Mediation. Date of service: 12/10/2020 [11923486] [20-55568, 20-55668] (Kendrick, Corene) [Entered: 12/10/2020 04:58 PM]                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 12/15/2020 | <a href="#">44</a><br>2 pg, 103.69 KB | MEDIATION CONFERENCE SCHEDULED - DIAL-IN Conference, 12/22/2020, 10:00 a.m., Pacific Time. See order for details. [11927631] [20-55568, 20-55668] (VS) [Entered: 12/15/2020 08:50 AM]                                                                                                                                                                                                                                                                                                                                                                                                          |
| 12/29/2020 | <a href="#">45</a><br>3 pg, 44.69 KB  | Filed order MEDIATION (SL): There will be a mediation held by video in this matter on January 11, 2021, at 10:00 a.m. Pacific Time. Counsel will receive an email with instructions on how to participate in the conference. Unless excused by the Circuit Mediator prior to the scheduled conference, each party shall be represented by counsel of record and a client representative. The parties will be expected to sign the confidentiality agreement attached as Exhibit A to this order. (SEE ORDER FOR FULL TEXT) [11947365] [20-55568, 20-55668] (AF) [Entered: 12/29/2020 11:28 AM] |
| 01/22/2021 | <a href="#">46</a><br>2 pg, 108.22 KB | MEDIATION CONFERENCE SCHEDULED - DIAL-IN Conference, 01/25/2021, 11:00 a.m., Pacific Time. See order for details. [11978341] [20-55568, 20-55668] (VS) [Entered: 01/22/2021 02:17 PM]                                                                                                                                                                                                                                                                                                                                                                                                          |
| 01/29/2021 | <a href="#">47</a><br>2 pg, 108.67 KB | MEDIATION CONFERENCE SCHEDULED - DIAL-IN Conference, 02/11/2021, 10:00 a.m., Pacific Time. See order for details. [11985596] [20-55568, 20-55668] (VS) [Entered: 01/29/2021 08:37 AM]                                                                                                                                                                                                                                                                                                                                                                                                          |
| 01/29/2021 | 48                                    | Filed (ECF) notice of appearance of Suzanne Esther Shoai (County Counsel's Office for the County of Orange 333 W. Santa Ana Blvd., Ste. 407, Santa Ana, CA 92701) for Appellants Don Barnes and County of Orange in 20-55568, 20-55668. Date of service: 01/29/2021. (Party was previously proceeding with counsel.) [11985980] [20-55568, 20-55668] (Shoai, Suzanne) [Entered: 01/29/2021 11:11 AM]                                                                                                                                                                                           |
| 01/29/2021 | 49                                    | Added Attorney(s) Suzanne Esther Shoai for party(s) Appellant Don Barnes and Appellant County of Orange, in cases 20-55668 and 20-55568. [11985983] [20-55568, 20-55668] (QDL) [Entered: 01/29/2021 11:13 AM]                                                                                                                                                                                                                                                                                                                                                                                  |
| 02/11/2021 | <a href="#">50</a><br>2 pg, 108.22 KB | MEDIATION CONFERENCE SCHEDULED - DIAL-IN Conference, 03/01/2021, 11:00 a.m., Pacific Time. See order for details. [12000902] [20-55568, 20-55668] (VS) [Entered: 02/11/2021 02:06 PM]                                                                                                                                                                                                                                                                                                                                                                                                          |

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| 03/12/2021 | <a href="#">51</a><br>2 pg, 108.67 KB | MEDIATION CONFERENCE SCHEDULED - DIAL-IN Conference, 03/16/2021, 11:45 a.m.,Pacific Time. See order for details. [12039711] [20-55568, 20-55668] (VS) [Entered: 03/12/2021 01:48 PM]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 03/16/2021 | <a href="#">52</a><br>2 pg, 92.68 KB  | MEDIATION ORDER FILED: These cases are RELEASED from the Mediation Program. These cases are ready for calendaring. [12043084] [20-55568, 20-55668] (VS) [Entered: 03/16/2021 01:30 PM]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 03/18/2021 | 53                                    | <p>This case is being considered for an upcoming oral argument calendar in Pasadena</p> <p>Please review the Pasadena sitting dates for July 2021 and the 2 subsequent sitting months in that location at <a href="http://www.ca9.uscourts.gov/court_sessions">http://www.ca9.uscourts.gov/court_sessions</a>. If you have an unavoidable conflict on any of the dates, please file <a href="#">Form 32</a> <b>within 3 business days of this notice</b> using the CM/ECF filing type <b>Response to Case Being Considered for Oral Argument</b>. Please follow the form's <a href="#">instructions</a> carefully.</p> <p>When setting your argument date, the court will try to work around unavoidable conflicts; the court is not able to accommodate mere scheduling preferences. You will receive notice that your case has been assigned to a calendar approximately 10 weeks before the scheduled oral argument date.</p> <p>If the parties wish to discuss settlement before an argument date is set, they should jointly request referral to the mediation unit by filing a letter <b>within 3 business days of this notice</b>, using CM/ECF (<b>Type of Document:</b> Correspondence to Court; <b>Subject:</b> request for mediation).[12046272]. [20-55568, 20-55668] (KS) [Entered: 03/18/2021 02:31 PM]</p> |
| 03/23/2021 | <a href="#">54</a><br>1 pg, 161.73 KB | Filed (ECF) Attorney Kayla Nicole Watson for Appellants Don Barnes and County of Orange in 20-55568, 20-55668 response to notice for case being considered for oral argument. Date of service: 03/23/2021. [12050770] [20-55568, 20-55668] (Watson, Kayla) [Entered: 03/23/2021 12:54 PM]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 05/17/2021 | 55                                    | <p>This case is being considered for an upcoming oral argument calendar in Pasadena</p> <p>Please review the Pasadena sitting dates for September 2021 and the 2 subsequent sitting months in that location at <a href="http://www.ca9.uscourts.gov/court_sessions">http://www.ca9.uscourts.gov/court_sessions</a>. If you have an unavoidable conflict on any of the dates, please file <a href="#">Form</a></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

[32](#) **within 3 business days of this notice** using the CM/ECF filing type **Response to Case Being Considered for Oral Argument**. Please follow the form's [instructions](#) carefully.

When setting your argument date, the court will try to work around unavoidable conflicts; the court is not able to accommodate mere scheduling preferences. You will receive notice that your case has been assigned to a calendar approximately 10 weeks before the scheduled oral argument date.

If the parties wish to discuss settlement before an argument date is set, they should jointly request referral to the mediation unit by filing a letter **within 3 business days of this notice**, using CM/ECF (**Type of Document:** Correspondence to Court; **Subject:** request for mediation).[12114917]. [20-55568, 20-55668] (KS) [Entered: 05/17/2021 10:41 AM]

05/17/2021 [56](#)  
1 pg, 158.29 KB

Filed (ECF) Attorney Mr. Donald Kevin Dunn for Appellants Don Barnes and County of Orange in 20-55568, 20-55668 response to notice for case being considered for oral argument. Date of service: 05/17/2021. [12115697] [20-55568, 20-55668] (Dunn, Donald) [Entered: 05/17/2021 03:40 PM]

06/20/2021 57

Notice of Oral Argument on Wednesday, September 1, 2021 - 09:00 A.M. - Courtroom 1 - Scheduled Location: Pasadena CA. The hearing time is the local time zone at the scheduled hearing location.

View the Oral Argument Calendar for your case [here](#).

NOTE: Although your case is currently scheduled for oral argument, the panel may decide to submit the case on the briefs instead. See Fed. R. App. P. 34. Absent further order of the court, if the court does determine that oral argument is required in this case, you will have the option to appear in person at the Courthouse or remotely by video. At this time, an election to appear remotely by video will not require a motion. The court expects and supports the fact that some attorneys and some judges will continue to appear remotely. If the panel determines that it will hold oral argument in your case, the Clerk's Office will contact you directly at least two weeks before the set argument date to review any requirements for in person appearance or to make any necessary arrangements for remote appearance.

Please note however that if you do elect to appear remotely, the court **strongly prefers** video over telephone appearance.

Therefore, if you wish to appear remotely by telephone you will need to file a motion requesting permission to do so.

Be sure to review the [GUIDELINES](#) for important information about your hearing, including when to be available (30 minutes before the hearing time) and when and how to submit additional citations (filing electronically as far in advance of the hearing as possible).

If you are the specific attorney or self-represented party who will be arguing, use the [ACKNOWLEDGMENT OF HEARING NOTICE](#) filing type in CM/ECF no later than 21 days before Wednesday, September 1, 2021. No form or other attachment is required. If you will not be arguing, do not file an acknowledgment of hearing notice.[12148270]. [20-55568, 20-55668] (KS) [Entered: 06/20/2021 06:08 AM]

|            |                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------|---------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 06/21/2021 | 58                                    | Filed (ECF) Acknowledgment of hearing notice by Attorney Mr. Donald Kevin Dunn for Appellants Don Barnes and County of Orange in 20-55568, 20-55668. Hearing in Pasadena on 09/01/2021 at 09:00 A.M. (Courtroom: Courtroom 1.). Filer sharing argument time: Yes. (Argument minutes: 10.) Special accommodations: NO. Filer admission status: I certify that I am admitted to practice before this Court. Date of service: 06/21/2021. [12148574] [20-55568, 20-55668] (Dunn, Donald) [Entered: 06/21/2021 08:46 AM] |
| 06/21/2021 | 59                                    | Filed (ECF) Acknowledgment of hearing notice by Attorney Kayla Nicole Watson for Appellants Don Barnes and County of Orange in 20-55568, 20-55668. Hearing in Pasadena on 09/01/2021 at 09:00 A.M. (Courtroom: Courtroom 1.). Filer sharing argument time: Yes. (Argument minutes: 10.) Special accommodations: NO. Filer admission status: I certify that I am admitted to practice before this Court. Date of service: 06/21/2021. [12148593] [20-55568, 20-55668] (Watson, Kayla) [Entered: 06/21/2021 08:50 AM]  |
| 07/27/2021 | <a href="#">60</a><br>2 pg, 299.42 KB | Filed (ECF) Appellees Melissa Ahlman, Pedro Bonilla, Cynthia Campbell, Monique Castillo, Javier Esparza, Daniel Kauwe, Cecibel Caridad Ortiz, Michael Seif, Mark Trace and Don Wagner in 20-55568, 20-55668 citation of supplemental authorities. Date of service: 07/27/2021. [12184123] [20-55568, 20-55668] (Grigsby, Stacey) [Entered: 07/27/2021 12:01 PM]                                                                                                                                                      |
| 08/03/2021 | <a href="#">61</a><br>8 pg, 463.35 KB | Filed (ECF) Appellees Melissa Ahlman, Pedro Bonilla, Cynthia Campbell, Monique Castillo, Javier Esparza, Daniel Kauwe, Cecibel Caridad Ortiz, Michael Seif, Mark Trace and Don Wagner                                                                                                                                                                                                                                                                                                                                |

in 20-55568, 20-55668 Motion to submit case on briefs. Date of service: 08/03/2021. [12190763] [20-55568, 20-55668] (Grigsby, Stacey) [Entered: 08/03/2021 01:14 PM]

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Notice of Oral Argument on Wednesday, September 1, 2021 - 1:00 P.M. - Courtroom 1 - Scheduled Location: Pasadena CA.  
The hearing time is the local time zone at the scheduled hearing location.

View the Oral Argument Calendar for your case [here](#).

NOTE: Although your case is currently scheduled for oral argument, the panel may decide to submit the case on the briefs instead. *See* Fed. R. App. P. 34. Absent further order of the court, if the court does determine that oral argument is required in this case, you will have the option to appear in person at the Courthouse or remotely by video. At this time, an election to appear remotely by video will not require a motion. The court expects and supports the fact that some attorneys and some judges will continue to appear remotely. If the panel determines that it will hold oral argument in your case, the Clerk's Office will contact you directly at least two weeks before the set argument date to review any requirements for in person appearance or to make any necessary arrangements for remote appearance.

Please note however that if you do elect to appear remotely, the court **strongly prefers** video over telephone appearance. Therefore, if you wish to appear remotely by telephone you will need to file a motion requesting permission to do so.

Be sure to review the [GUIDELINES](#) for important information about your hearing, including when to be available (30 minutes before the hearing time) and when and how to submit additional citations (filing electronically as far in advance of the hearing as possible).

If you are the specific attorney or self-represented party who will be arguing, use the [ACKNOWLEDGMENT OF HEARING NOTICE](#) filing type in CM/ECF no later than 21 days before Wednesday, September 1, 2021. No form or other attachment is required. If you will not be arguing, do not file an acknowledgment of hearing notice.[12194217]. [20-55568, 20-55668] (KS) [Entered: 08/06/2021 01:08 PM]

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Filed (ECF) Acknowledgment of hearing notice by Attorney Kayla Nicole Watson for Appellants Don Barnes and County of Orange

|            |                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|------------|----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |                                        | in 20-55568, 20-55668. Hearing in Pasadena on 09/01/2021 at 1:00 P.M. (Courtroom: Courtroom 1). Filer sharing argument time: Yes. (Argument minutes: 10.) Special accommodations: NO. Filer admission status: I certify that I am admitted to practice before this Court. Date of service: 08/09/2021. [12196216] [20-55568, 20-55668] (Watson, Kayla) [Entered: 08/09/2021 04:14 PM]                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 08/10/2021 | 64                                     | Filed (ECF) Acknowledgment of hearing notice by Attorney Mr. Donald Kevin Dunn for Appellants Don Barnes and County of Orange in 20-55568, 20-55668. Hearing in Pasadena on 09/01/2021 at 1:00 P.M. (Courtroom: Courtroom 1). Filer sharing argument time: Yes. (Argument minutes: 10.) Special accommodations: NO. Filer admission status: I certify that I am admitted to practice before this Court. Date of service: 08/10/2021. [12196582] [20-55568, 20-55668] (Dunn, Donald) [Entered: 08/10/2021 09:03 AM]                                                                                                                                                                                                                                                                                                                                    |
| 08/10/2021 | 65                                     | Filed (ECF) Acknowledgment of hearing notice by Attorney Stacey Grigsby for Appellees Melissa Ahlman, Pedro Bonilla, Cynthia Campbell, Monique Castillo, Javier Esparza, Daniel Kauwe, Cecibel Caridad Ortiz, Michael Seif, Mark Trace and Don Wagner in 20-55568, Attorney Stacey Grigsby for Appellees Melissa Ahlman, Daniel Kauwe, Michael Seif, Javier Esparza, Pedro Bonilla, Cynthia Campbell, Monique Castillo, Mark Trace, Cecibel Caridad Ortiz and Don Wagner in 20-55668. Hearing in Pasadena on 09/01/2021 at 1:00 P.M. (Courtroom: Courtroom 1). Filer sharing argument time: No. (Argument minutes: 20.) Special accommodations: NO. Filer admission status: I certify that I am admitted to practice before this Court. Date of service: 08/10/2021. [12197217] [20-55568, 20-55668] (Grigsby, Stacey) [Entered: 08/10/2021 01:35 PM] |
| 08/11/2021 | <a href="#">66</a><br>10 pg, 288.08 KB | Filed (ECF) Appellants Don Barnes and County of Orange in 20-55568, 20-55668 response opposing motion (motion to submit case on briefs). Date of service: 08/11/2021. [12198846] [20-55568, 20-55668]--[COURT UPDATE: Updated docket text to reflect correct ECF filing type. 08/11/2021 by SLM] (Watson, Kayla) [Entered: 08/11/2021 03:08 PM]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 08/13/2021 | <a href="#">67</a><br>1 pg, 98.38 KB   | Filed clerk order (Deputy Clerk: OC): Plaintiffs-Appellees' motion to submit the case on the briefs (Dkt. <a href="#">61</a> ) is DENIED. [12201077] [20-55568, 20-55668] (OC) [Entered: 08/13/2021 01:32 PM]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 08/27/2021 | <a href="#">68</a><br>2 pg, 231.87 KB  | Filed (ECF) Appellees Melissa Ahlman, Pedro Bonilla, Cynthia Campbell, Monique Castillo, Javier Esparza, Daniel Kauwe, Cecibel Caridad Ortiz, Michael Seif, Mark Trace and Don Wagner                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

in 20-55568, 20-55668 citation of supplemental authorities. Date of service: 08/27/2021. [12213889] [20-55568, 20-55668]--[COURT UPDATE: Attached searchable version of letter. 08/27/2021 by QDL] (Kamin, Mitchell) [Entered: 08/27/2021 02:18 PM]

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41 pg, 701.42 KB

Filed (ECF) Appellees Melissa Ahlman, Pedro Bonilla, Cynthia Campbell, Monique Castillo, Javier Esparza, Daniel Kauwe, Cecibel Caridad Ortiz, Michael Seif, Mark Trace and Don Wagner in 20-55568, 20-55668 citation of supplemental authorities. Date of service: 08/27/2021. [12213961] [20-55568, 20-55668]--[COURT UPDATE: Attached searchable version of letter. 08/27/2021 by QDL] (Kamin, Mitchell) [Entered: 08/27/2021 02:40 PM]

09/01/2021

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ARGUED AND SUBMITTED TO SANDRA S. IKUTA, MARK J. BENNETT and RYAN D. NELSON. [12218041] [20-55568, 20-55668] (DLM) [Entered: 09/01/2021 02:28 PM]

09/02/2021

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1 pg, 34.05 MB

Filed Audio recording of oral argument.

**Note:** Video recordings of public argument calendars are available on the Court's website, at <http://www.ca9.uscourts.gov/media/> [12218673] [20-55568, 20-55668] (DLM) [Entered: 09/02/2021 10:16 AM]