

Search for Case

Help

General Docket

US Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 97-16449

Filed: 8/5/97

Nsuit: 2440 Other civil rights (USdf)

Durgin, et al, et al v. De La Vina, et al, et al

Appeal from: District of Arizona (Tucson)

Case type information:

- 1) civil
- 2) US
- 3)

Lower court information:

District: 0970-4 : CV-95-00029-JMR

presiding judge: John M. Roll, District Judge

court reporter: John C. Davis

Date Filed: 1/17/95

Date order/judgment: 6/25/97

Date NOA filed: 7/18/97

Fee status: paid-----
Prior cases:

None

Current cases:

None

Docket as of August 31, 2000 11:17 pm

Page 1

97-16449 Durgin, et al, et al v. De La Vina, et al, et alPANCHITA HODGERS DURGIN,
individually and on behalf of
all others similarly situated
Plaintiff - AppellantArmand Salese, Esq.
520-623-0341
Ste.203
[COR LD NTC ret]
SALESE & MCCARTHY
300 N. Main
Tucson, AZ 85701William Eric Morris
520-740-1207
Suite 1600
[COR NTC ret]
ARIZONA JUSTICE INSTITUTE
33 North Stone Avenue
Tucson, AZ 85701ANTONIO V. LOPEZ, individually
l& on behalf of all other
similarly situated
Plaintiff - AppellantArmand Salese, Esq.
(See above)
[COR LD NTC ret]William Eric Morris
(See above)
[COR NTC ret]

v.

GUSTAVO DE LA VINA, in his

Robert M. Bombaugh

official capacity
Defendant - Appellee

[COR LD NTC gov]
Brenda E. Ellison
202/616-4906
[COR LD NTC usa]
OFFICE OF IMMIGRATION
LITIGATION
Civil Division
Ben Franklin Station
Post Office Box 878
Washington, DC 20044

RONALD E. SANDERS, in his
official capacity
Defendant - Appellee

Jennifer Christine Guerin, Esq.
FAX
520/620-7300
[COR LD NTC aus]
USTU - OFFICE OF THE U.S.
ATTORNEY
Acapulco Building
110 South Church Ave.
Tucson, AZ 85701

Robert M. Bombaugh
(See above)
[COR LD NTC gov]

STEPHEN NORMAN, in his

Jennifer Christine Guerin, Esq.

Docket as of August 31, 2000 11:17 pm

Page 2

97-16449 Durgin, et al, et al v. De La Vina, et al, et al

official capacity
Defendant - Appellee

(See above)
[COR LD NTC aus]

Robert M. Bombaugh
(See above)
[COR LD NTC gov]

Docket as of August 31, 2000 11:17 pm

Page 3

97-16449 Durgin, et al, et al v. De La Vina, et al, et al

PANCHITA HODGERS DURGIN, individually and on behalf of all
others similarly situated; ANTONIO V. LOPEZ, individually &
on behalf of all other similarly situated

Plaintiffs - Appellants

v.

GUSTAVO DE LA VINA, in his official capacity; RONALD E.
SANDERS, in his official capacity; STEPHEN NORMAN, in his
official capacity

Defendants - Appellees

Docket as of August 31, 2000 11:17 pm

Page 4

97-16449 Durgin, et al, et al v. De La Vina, et al, et al

8/5/97 DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. CADS SENT (Y/N): y. setting schedule as follows: CADS is past due; CADS must be filed no later than 8/12/97; appellant's designation of RT is due 7/28/97, ; appellee's designation of RT is due 8/7/97,, ; appellant shall order transcript by 8/18/97, ; court reporter shall file transcript in DC by 9/17/97; certificate of record shall be filed by 9/24/97 ; appellant's opening brief is due 11/3/97, ; appellees' brief is due 12/3/97,, ; appellants' reply brief is due 12/17/97, ; [97-16449] (mhf)

11/4/97 Filed original and 15 copies Appellants' opening brief (Informal: n) 48 pages and five excerpts of record in 1 volume ; served on 10/31/97 [97-16449] (em)

11/26/97 14 day oral extension by phone of time to file 's brief. [97-16449] appellees' brief due 12/17/97,, The optional reply brief is due 14 days... (king)

12/22/97 Filed original and 15 copies appellee Gustavo De La Vina, Ronald E. Sanders, Stephen Norman's 38 pages brief, 1 Exc. vols: ; served on 12/17/97 [97-16449] (em)

12/23/97 Received Appellant Panchita Hodggers Durgin supplemental excerpts of record on appeal in 1 volume; (Motion to file supp excerpts pending) (copies sent to records for merits panel; per order of 1/8/98) (em)

12/23/97 Rec'd errata to brief from Appellant Panchita Hodggers Durgin, served 12/18/97 (RECORDS) [97-16449] (em)

12/30/97 14 day oral extension by phone of time to file Appellant's reply brief. [97-16449] appellants' reply brief due 1/20/98, ; (cb)

1/8/98 Filed motion of Appellant file supplemental excerpts of record and deputy clerk order :(Deputy Clerk: CAG) Aplt's motion for leave to file supplemental excerpts of record, the proposed supplementation, and any responsive filing shall be referred for disposition to the panel that considers the merits of the case. [97-16449] (em)

1/23/98 Filed original and 15 copies Panchita Hodggers Durgin reply brief, (Informal: n) 30 pages; served on 1/20/98 [97-16449] (em)

1/27/98 Filed stipulation to correct petitioners' excerpts of record and respondents' supplemental excerpts of record; RECORDS FOR MERITS PANEL (see order of 1/8/98) (em)

2/2/98 Filed certified record on appeal in 4 Vols.(total): 4 Clerks Rec (orig) [97-16449] (em)

Docket as of August 31, 2000 11:17 pm

Page 5

97-16449 Durgin, et al, et al v. De La Vina, et al, et al

2/4/98 Filed motion and deputy clerk order PROMO (Deputy Clerk: CAG): Aplt's motion to expedite is denied. (Motion recvd 1/30/98; svc 1/27/98) [97-16449] (sa)

2/6/98 Filed Appellees Ronald E. Sanders and Stephen Norman response opposing motion to expedite appeal [3387709-1] served on 2/5/98 (No action necessary per Promo; motion denied) (sm)

2/17/98 Filed Appellant Panchita Hodgers Durgin's motion to reconsider order of the Clerk of Court [97-16449] served on 2/11/98 [3395308] WIP PROMO [97-16449] (em)

2/25/98 Calendar check performed [97-16449] (uk)

3/13/98 Filed order (Appellate Commissioner) Aplts' reconsideration of the clerk's denial of their motion to expedite this appeal is denied.[3395308-1] (promo) [97-16449] (em)

4/6/98 Calendar materials being prepared. [97-16449] [97-16449] (uk)

4/15/98 CALENDARED: SF 6/11/98 9:00 am Courtroom 1 [97-16449] (uk)

6/8/98 Rec'd notice of change of address from Armand Salese for Appellant Antonio V. Lopez, Appellant Panchita Hodgers Durgin dated 6/5/98. [97-16449] (em)

6/9/98 Filed order (Deputy Clerk: JC) Court Television Network applied to videotape for later broadcast the case captioned above, scheduled to be heard in SF on 6/11/98 at 9:00 am in Ctr No. 1. A majority of the judges on the panel have voted to deny the application. The Court Television Network's request to videotape is denied. (DOCKET ONLY) [97-16449] (em)

6/11/98 ARGUED AND SUBMITTED TO James R. BROWNING, Joseph T. SNEED, John S. Rhoades [97-16449] (ah)

8/21/98 FILED SUPPLEMENT TO CERTIFIED RECORD ON APPEAL: 11 SEALED EXHIBITS (original) [97-16449] (stev)

1/12/99 FILED OPINION: REVERSED and REMANDED (Terminated on the Merits after Oral Hearing; Reversed; Written, Signed, Published. James R. BROWNING; Joseph T. SNEED dissenting; John S. Rhoades, author.) FILED AND ENTERED JUDGMENT. [97-16449] (em)

2/26/99 [3624983] Filed original and 40 copies Appellees Gustavo De La Vina et al.petition for rehearing with suggestion for en banc 15 p.pages, (requested counsel to send 10 more copies) served on 2/26/99 PANEL AND ACTIVE JUDGES [97-16449] (em)

Docket as of August 31, 2000 11:17 pm

Page 6

97-16449 Durgin, et al, et al v. De La Vina, et al, et al

3/12/99 Filed order (James R. BROWNING, Joseph T. SNEED, John S. Rhoades,): Within 21 days from the date of this order, pltfs-aplts are ordered to file a response to the petition for rehearing and suggestion for rehearing en banc filed by dets-aples Gustavo de la Vina et al. (phoned out) [97-16449] (em)

3/31/99 Filed Appellants' response to aples' petition for enbanc rehearing [3624983-1] served on 3/29/99 PANEL AND ACTIVE JUDGES [97-16449] (em)

4/2/99 recd notice of appearance of William Morris as co-counsel for aplts. PANEL for info only [97-16449] (em)

5/13/99 Filed order (Procter R. HUG,): Upon a vote of a majority of nonrecused regular active judges of this court, it is ordered that this case be reheard by the en banc court pursuant to Cir.R. 35-3. The three-judge panel opinion,

Hodgers-Durgin v. e la Vina, No. 97-16449, slip op. at 193
(9th Cir. Jan 12, 1999) is withdrawn. [97-16449] (em)

5/14/99 Filed order (Procter R. HUG,): Oral argument in the above case shall be reheard en banc in SF on 6/24/99 at 9:00 am. (phoned out) [97-16449] (em)

5/14/99 Filed order (Procter R. HUG,): Parties shall forward to the clerk of the Court 20 copies of their original briefs and excerpts of record within 7 days from date of this order. (phoned out) [97-16449] (em)

5/18/99 CALENDARED: SAN FRAN Jun 24 1999 9:00 am Courtroom 1 [97-16449] (aw)

5/21/99 Filed Appellant's response to court order of 5/14/99 re: copies of previously filed opening brief, reply brief, excerpts of record and supplemental excerpts of record plus errata to opening brief (20 copies each) EN BANC COURT [97-16449] (em)

5/21/99 Filed Appellee's response to court order of 5/14/99 re: appellee's brief and excerpts previously filed (20 copies each) EN BANC COURT [97-16449] (em)

5/21/99 recd notice of appearance of Robert Bombaugh as counsel for defts aples [97-16449] (em)

6/24/99 ARGUED AND SUBMITTED TO Procter R. HUG, Joseph T. SNEED, Stephen R. REINHARDT, Melvin BRUNETTI, Stephen S. TROTT, Pamela A. RYMER, Thomas G. NELSON, Andrew J. KLEINFELD, Sidney R. THOMAS, Barry G. SILVERMAN, William A. FLETCHER [97-16449] (ah)

Docket as of August 31, 2000 11:17 pm

Page 7

97-16449 Durgin, et al, et al v. De La Vina, et al, et al

12/21/99 FILED OPINION: AFFIRMED (Terminated on the Merits after Oral Hearing; Affirmed; Written, Signed, Published. Heard en banc; Procter R. HUG; Joseph T. SNEED; Stephen R. REINHARDT, concurring; Melvin BRUNETTI; Stephen S. TROTT; Pamela A. RYMER; Thomas G. NELSON; Andrew J. KLEINFELD; Sidney R. THOMAS; Barry G. SILVERMAN; William A. FLETCHER, author. FILED AND ENTERED JUDGMENT. [97-16449] (em)

2/14/00 MANDATE ISSUED [97-16449] (em)

8/31/00 RECORD RETURNED. (See control card for details.) (jk)

Docket as of August 31, 2000 11:17 pm

Page 8

PACER Service Center			
Transaction Receipt			
09/16/2007 16:06:02			
PACER Login:	wu0079	Client Code:	ponton
Description:	dkt report	Case Number:	97-16449

Billable Pages:	8	Cost:	0.64
----------------------------	----------	--------------	-------------
