

General Docket
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 04-16720 Nature of Suit: 3442 Jobs Wal-Mart Stores Inc., et al v. Dukes Appeal From: U.S. District Court for Northern California, San Francisco Fee Status: Paid	Docketed: 09/01/2004 Termed: 04/26/2010
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Case Type Information: 1) civil 2) private 3) null	
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Originating Court Information: District: 0971-3 : CV-01-02252-MJJ Trial Judge: Martin J. Jenkins, District Judge Date Filed: 06/08/2001 Date Order/Judgment: 06/21/2004	Date NOA Filed: 08/31/2004
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Prior Cases: None				
Current Cases:				
	Lead	Member	Start	End
Cross-Appeal	04-16688	04-16720	09/01/2004	

BETTY DUKES Plaintiff - Appellant,	Debra Gardner Direct: 410-625-9409 [COR LD NTC Retained] PUBLIC JUSTICE CENTER Suite 200 One North Charles St. Baltimore, MD 21201 Jocelyn Dion Larkin, Attorney Direct: 510-845-3473 [COR LD Retained] THE IMPACT FUND Suite 102 125 University Avenue Berkeley, CA 94710 Shauna I. Marshall, Esquire, Attorney Direct: 415-565-4682 [COR LD NTC Retained] Hastings College of the Law University of California Firm: 565-4719 200 McAllister Street San Francisco, CA 94102 Brad Seligman Direct: 510-845-3473 [COR LD NTC Retained] THE IMPACT FUND Suite 102 125 University Avenue
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v.

WAL-MART, INC.
Defendant - Appellee,

(see above)

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BETTY DUKES; PATRICIA SURGESON; EDITH ARANA; KAREN WILLIAMSON; DEBORAH GUNTER; CHRISTINE KWAPNOSKI;
PAGE CLEO,

Plaintiffs - Appellants,

v.

WAL-MART, INC.,

Defendant - Appellee.

09/01/2004	1	Case No. 04-16688 and 04-80057. Order filed. Before SCHROEDER, Chief Judge, and CALLAHAN, Circuit Judge. The court, in its discretion, grants the cross-petition for permission to appeal the district court's 6/22/04, class action certification order. See FRCP 23(f). Within 10 days of this order, aples/res shall perfect the cross-appeal in accordance with FRAP 5(d). After the cross-appeal is perfected, the clerk is directed to expedite the briefing and hearing of the cross appeal in accordance with appeal no. 04-16688. The provisions of 9th Cir. Rule 31-2.2 (as) shall not apply to this briefing schedule. [04-16720] (KKW)
09/01/2004	2	DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. CADS SENT (Y/N): y. setting cross appeal briefing schedule as follows: CADS is past due; CADS must be filed no later than 9/8/04; first cross-appeal brief is due 11/29/04 ; second cross-appeal brief is due 12/29/04 ; third cross-appeal brief is due 1/28/04 ; optional cross-appeal reply brief is due 2/11/04 [04-16720, 04-16688] (KKW)
09/10/2004	3	Filed Christine E. Webber for Appellant Betty Dukes in 04-16720 Civil Appeals Docketing Statement served on 9/9/04 (to CONFATT) [04-16720] [04-16720] (JI)
09/14/2004	4	Check Number 045158 in the amount of 255.00 forwarded to district court. (See Case File) [04-16720] (RR)
09/23/2004	7	Filed order CONFATT (vls) Based on a review of the Civil Appeals Docketing Statement, this case is not selected for inclusion in the Mediation Program. The existing briefing schedule remains in effect. Counsel for any party interested in obtaining assistance from the court in pursuing settlement of the case on appeal or learning more about the Mediation Program is encouraged to contact Roxane G. Ashe, Circuit Mediator, by fax (415) 556-9725. The communication will be kept confidential, if requested, from the other parties in the cases. Counsel are requested to send copies of this order to their clients. [04-16688, 04-16720] (RT)
10/07/2004	8	Case rejected from Circuit Mediation Program. (LW)
11/29/2004	9	Filed original and 15 copies Appellant Cross Appellee Wal-Mart, Inc.'s first brief on cross-appeal, (Informal: No) of 61 pages; 5 vols. of EOR; served on 11/29/04 [04-16688, 04-16720] (RT)
12/08/2004	11	Filed original and 15 copies amicus curiae brief of The Employers Group in support of appellants cross appellees Wal Mart Stores, Inc. and in support of reversal of 31 pages; served on 12/7/04 [04-16688, 04-16720] (RT)
12/08/2004	12	Filed original and 15 copies amicus curiae brief of EEAC (Equal Employment Advisory Council) in support of appellant cross appellee Wal Mart Stores, Inc. and in support of reversal of 29 pages;

served on 12/6/04 [04-16688, 04-16720] (RT)

12/08/2004	15	Filed original and 15 copies amicus curiae brief of The Retail Industry Leaders Association in support of appellant cross appellee Wal Mart Stores, Inc. of 29 pages; served on 12/7/04 [04-16688, 04-16720] (RT)
12/09/2004	13	Filed original and 15 copies amicus curiae brief of The Chamber of Commerce the United States in support of appellant cross appellee Wal Mart Stores, Inc. of 16 pages; served on 12/8/04 [04-16688, 04-16720] (RT)
12/10/2004	14	Filed original and 15 copies amicus curiae brief of Washington Legal Foundation (WLF) in support of appellant cross appellee Wal Mart Stores, Inc. and seeking reversal of the order below of 16 pages; served on 12/7/04 [04-16688, 04-16720] (RT)
01/03/2005	16	Filed original and 15 copies Appellees Cross Appellants Betty Dukes et al. second brief on cross-appeal (Informal: No) of 61 pages; 3 vols. of Supp EOR; served on 12/29/04 [04-16688, 04-16720] (RT)
01/10/2005	17	Filed original and 15 copies amici curiae brief of The National Employment Lawyers Association et al.'s of 31 pages in support of appellees cross appellants Dukes, et al.; served on 1/10/05 [04-16688, 04-16720] (RT)
01/10/2005	18	Filed original and 15 copies amici curiae brief of AARP et al. of 19 pages in support of appellees cross appellants Dukes, et al.; served on 1/7/05 [04-16688, 04-16720] (RT)
01/10/2005	19	Filed original and 15 copies amici curiae brief of Center for Constitutional Rights et al. of 15 pages in support of appellees cross appellants Dukes, et al.; served on 1/10/05 [04-16688, 04-16720] (RT)
01/13/2005	20	Filed original and 15 copies amici curiae brief of Lawyers' Committee for Civil Rights Under Law et al. of 29 pages in support of appellees cross appellants Dukes, et al.; served on 1/7/05 [04-16688, 04-16720] (RT)
01/28/2005	21	Filed original and 15 copies Appellant Cross Appellee Wal-Mart, Inc.'s third brief on cross-appeal (Informal: No) of 59 pages; 1 vol. of Supp EOR; served on 1/28/05 [04-16688, 04-16720] (RT)
02/14/2005	22	Filed original and 15 copies Appellees Cross Appellants Betty Dukes et al. cross appeal reply brief, (Informal: No) of 32 pages; 1 vol. of Supp EOR; served on 2/11/05 [04-16688, 04-16720] (RT)
03/17/2005	25	Filed Appellant Cross Appellee Wal-Mart Stores, Inc. additional citations, FRAP 28(j) letter, served on 3/16/05 (RECORDS for MERITS PANEL) [04-16688, 04-16720] (RT)
03/21/2005	26	Filed plfts Dukes, et al's in response to dfdts' 3/15/05 citations; served on 3/21/05 (RECORDS) [04-16688, 04-16720] (MF)
04/15/2005	27	Filed Appellees Cross Appellants Betty Dukes et al. additional citations, FRAP 28(j) letter, served on 4/15/05 (RECORDS for MERITS PANEL) [04-16688, 04-16720] (RT)
04/25/2005	28	Filed Appellant Cross Appellee Wal-Mart Stores, Inc. additional citations, FRAP 28(j) letter, served on 4/22/05 (RECORDS for MERITS PANEL) [04-16688, 04-16720] (RT)
06/02/2005	29	Calendar check performed [04-16688, 04-16720] (MW)
06/13/2005	30	Calendar materials being prepared. [04-16688, 04-16720] [04-16688, 04-16720] (MW)
06/16/2005	31	CALENDARED: San Francisco August 8, 2005 1:30 pm Courtroom 1 [04-16688, 04-16720] (MW)
07/18/2005	32	Filed Appellees Cross Appellants Betty Dukes et al. additional citations, FRAP 28(j) letter, served on 7/16/05 (PANEL) [04-16688, 04-16720] (RT)
07/22/2005	33	Filed defendant Wal-Mart, Inc's additional citations; served on 7/22/05 (PANEL by FAX) [04-16688, 04-16720] (MF)
08/08/2005	34	ARGUED AND SUBMITTED TO Harry PREGERSON, Andrew J. KLEINFELD, Michael D. HAWKINS. [04-16688, 04-16720] (EL)
01/27/2006	37	Filed Appellant x-appellee Wal-Mart Stores, Inc.'s additional citations, FRAP 28(j) letter, served on 1/27/06 (PANEL) [04-16688, 04-16720] (RT)
02/01/2006	38	Filed Appellees x-appellants Dukes additional citations, FRAP 28(j) letter, served on 1/30/06 (PANEL)

[04-16688, 04-16720] (RT)

03/14/2006	39	Filed Wal-Mart, Inc. additional citations, served on 3/14/06 (PANEL) [04-16688, 04-16720] (MF)
03/20/2006	40	Filed Appellee Betty Dukes's response in opposition to aplt's additional cites; served on 3/17/06 (PANEL) [04-16688, 04-16720] (MF)
04/06/2006	41	Filed Appellant x-appellee Wal-Mart, Inc.'s additional citations, FRAP 28(j) letter, served on 4/6/06 (PANEL) [04-16688, 04-16720] (RT)
04/27/2006	42	Filed Appellees x-appellants' Dukes et al. additional citations, FRAP 28(j) letter, served on 4/26/06 (PANEL) [04-16688, 04-16720] (RT)
05/26/2006	43	Received original and 15 copies Appellant x-appellee Wal-Mart, Stores Inc.'s supplemental brief of 12 pages, served on 5/26/06; deficient: not requested by court. Notified counsel: - no, submitted w/motion to allow filing. (PANEL) [04-16688, 04-16720] (RT)
05/26/2006	44	Filed Appellant x-appellee Wal-Mart Stores, Inc.'s motion for leave to file supplemental brief; served on 5/26/06 (PANEL w/proposed brief) [04-16688, 04-16720] (RT)
05/31/2006	45	Filed Appellees x-appellants Betty Dukes et al. opposition to Appellant x-appellee Wal Mart Stores, Inc.'s motion to file supplemental brief [44] served on 5/31/06 (PANEL) [04-16688, 04-16720] (RT)
06/22/2006	46	Filed order (Harry PREGERSON, Andrew J. KLEINFELD, Michael D. HAWKINS, Circuit Judges): Defendant Appellant Cross Appellee's Motion for Leave to File Supplemental Brief is denied. [04-16688, 04-16720] (RT)
06/30/2006	47	Filed Wal-Mart, Inc. additional citations, served on 6/30/06 (Faxed to PANEL) [04-16688, 04-16720] (MF)
07/11/2006	48	Received letter dated 7/7/06 re: Aples' response to Apt's 6/30/06 letter br (faxed to PANEL) [04-16688, 04-16720] (GV)
12/06/2006	49	Filed Appellant x-appellee Wal-Mart, Inc.'s additional citations, FRAP 28(j) letter, served on 12/6/06 (PANEL) [04-16688, 04-16720] (RT)
12/07/2006	51	Filed aples/x-aplts Betty Dukes, et al. motion for exemption from Cir.R 46-5 and declaration of Julia Campins in support of motion; served on 12/7/06 (faxed to PANEL) [04-16688, 04-16720]
12/11/2006	50	Filed Plaintiffs Patricia Surgeson, et al's additional citations, served on 12/11/06 (PANEL) [04-16688, 04-16720] (MF)
02/06/2007	53	FILED OPINION: AFFIRMED (Terminated on the Merits after Oral Hearing; Affirmed; Written, Signed, Published. Harry PREGERSON, author; Andrew J. KLEINFELD, dissenting; Michael D. HAWKINS.) FILED AND ENTERED JUDGMENT. [04-16688, 04-16720] (GV)
02/20/2007	55	[6094962] Filed original & 50 copies Appellant Wal-Mart, Inc.'s petition for rehearing en banc of 18 pages [4,199 words]; served on 2/20/07 (PANEL AND ALL ACTIVE JUDGES AND ALL INTERESTED SENIOR JUDGES) [04-16688, 04-16720] (GV)
02/23/2007	56	Filed order (Harry PREGERSON, Andrew J. KLEINFELD, Michael D. HAWKINS,): Plaintiff appellees are directed to file a response to appellant's peition for rehearing en banc. Said response shall be filed with the Court within twenty one (21) days of the date of filing of this order. (phoned counsel for parties: 4:10 pm) [04-16720, 04-16688] (RT)
02/26/2007	57	Received EEAC (Equal Employment Advisory Council) amicus curiae letter in support of Appellant x-appellee Wal-Mart's petition for rehearing en banc in 50 copies of 6 pages; served on 2/23/07. (rec'd only - per phone call from counsel for same letter contains citation errors and corrected version sent) [04-16688, 04-16720] (RT)
02/26/2007	59	Received CELC (California Employment Law Council's) proposed amicus curiae brief in 50 copies of 12 pages in support of Appellant x-appellee Wal Mart's petition for rehearing en banc; served on 2/26/07. (rec'd only - submitted w/motion for leave to file) [04-16688, 04-16720] (RT)
02/26/2007	60	Filed CELC motion for leave to file amicus curiae brief in support of Appellant x-appellee's peition for rehearing en banc; [04-16688, 04-16720] served on 2/26/07 (PANEL w/copy of brief) (RT)
02/27/2007	58	Filed original and 50 copies EEAC (Equal Employment Advisory Council) amicus curiae letter brief of 8 pages in support of Appellant x-appellee Wal-Mart's petition for rehearing en banc; served on 2/26/07

(PANEL & ALL ACTIVE & INTERESTED SENIOR JUDGES) [04-16688, 04-16720] (RT)

03/01/2007	61	Filed original and 50 copies Chamber of Commerce of USA's amicus curiae brief (brief states all parties consent to filing) of 10 pages in support of Appellant x-appellee Wal-Mart's petition for rehearing en banc; served on 3/1/07 (PANEL & ALL ACTIVE & INTERESTED SENIOR JUDGES) [04-16688, 04-16720] (RT)
03/01/2007	62	Filed original and 50 copies Product Liability Advisory Council's amicus curiae brief (states all parties consent to the filing) of 10 pages in support of Appellants x-appellees Wal-Mart's petition for rehearing en banc; served on 2/28/07 (PANEL & ALL ACTIVE & INTERESTED SENIOR JUDGES) [04-16688, 04-16720] (RT)
03/01/2007	63	Filed original and 50 copies Retail Industry Leaders Association's amicus curiae brief (brief states all parties consent to the filing) of 11 pages in support of Appellant x-appellee Wal-Mart's petition for rehearing en banc; served on 2/28/07 (PANEL & ALL ACTIVE & INTERESTED SENIOR JUDGES) [04-16688, 04-16720] (RT)
03/01/2007	64	Filed amicus curiae Retail Industry Leaders Association's motion for leave to file a brief in support of Appellant x-appellee's petition for rehearing en banc; served on 2/8/07 (motion may be moot - submitted brief states all parties consent to filing) (PANEL) [6105978] [04-16688, 04-16720] (RT)
03/01/2007	65	Received WLF's (Washington Legal Foundation) amicus curiae brief in 50 copies (brief does not contain a consent statement) of 10 pages in support of Appellant x-appellee Wal-Mart's petition for rehearing en banc ;served on 2/28/07. (submitted with motion for leave to file) [04-16688, 04-16720] (RT)
03/01/2007	66	Filed WLF's (Washington Legal Foundation) motion for leave to file amicus curiae brief in support of Appellant x-appellee's Wal-Mart's petition for rehearing en banc; served on 2/28/07 (PANEL w/copy of brief) [04-16688, 04-16720] (RT)
03/01/2007	68	Filed original and 50 copies The Employers Group's amicus curiae brief (states parties consent to its filing) of 10 pages in support of Appellant x-appellee Wal-Mart's petition for rehearing en banc; served on 3/1/07 (PANEL & ALL ACTIVE & INTERESTED SENIOR JUDGES) [04-16688, 04-16720] (RT)
03/01/2007	70	Received attorney Brad Seligman for Appellee x-appellant Betty Dukes letter dated 2/27/07 re: addressed to West Publishing Company - amendment of counsel listing for atty Merrit Bennett. (CASEFILE) [04-16688, 04-16720] (RT)
03/16/2007	71	Filed Appellees x-appellants Betty Dukes et al.'s opposition to appellant x-appellee's petition for rehearing en banc; served on 3/15/07 (PANEL & ALL ACTIVE & INTERESTED SENIOR JUDGES) [04-16688, 04-16720] (RT)
03/26/2007	73	Filed original and 50 copies Lawyers' Committee for Civil Rights Under Law et al.'s amici curiae brief (states all parties consent to its filing) of 10 pages in support of Appellees x-appellants Dukes opposition to petition for rehearing en banc; served on 3/26/07 (PANEL & ALL ACTIVE & INTERESTED SENIOR JUDGES) [04-16688, 04-16720] (RT)
03/26/2007	74	Filed Lawyers' Committee for Civil Rights Under Law et al.'s motion for leave to file amici curiae brief in support of Appellees x-appellants Dukes in opposition to petition for rehearing en banc; served on 3/26/07 (motion may be moot - brief states all parties consent to the filing) (PANEL) [04-16688, 04-16720] (RT)
03/27/2007	72	Received US Women's Chamber of Commerce's amicus curiae letter brief in support of Plaintiff's opposition to the petition for rehearing en banc of 3 pages in original and 50 copies; served on 3/27/07 (PANEL AND ALL ACTIVE JUDGES AND ALL INTERESTED SENIOR JUDGES) [04-16688, 04-16720] (GV)
03/28/2007	75	Filed original and 50 copies The National Employment Lawyers Association et al.'s amici curiae brief (FRAP 29(a) compliance statement) of 10 pages in support Appellees x-appellants Dukes opposition to petition for rehearing en banc; served on 3/27/07 (PANEL & ALL ACTIVE & INTERESTED SENIOR JUDGES) [04-16688, 04-16720] (RT)
03/28/2007	76	Received Consumers Union's et al.'s (proposed) amici curiae brief in 50 copies of 8 pages in opposition to petition for rehearing en banc; served on 3/27/07; deficient: brief lacks a FRAP 29(a) statement; motion for leave required. Notified counsel: yes. [04-16688, 04-16720] (RT)
03/28/2007	77	Received from US Women's Chamber of Commerce, proof of service to letter brief, served on 3/27/07.

(CASEFILE) (RT)

03/30/2007	78	Filed original and 50 copies AARP's amicus curiae brief of 9 pages (submitted with separate letter from atty Daniel B. Korman stating all parties have consented to the filing of the brief) in support of Appellees x-appellants Dukes opposition to petition for rehearing en banc; served on 3/22/07 (PANEL & ALL ACTIVE & INTERESTED SENIOR JUDGES) [04-16688, 04-16720] (RT)
03/30/2007	79	Filed Consumers Union's et al. motion for leave to file amicus brief; served on 3/30/07 (PANEL & ALL ACTIVE & INTERESTED SENIOR JUDGES - with proposed amicus brief) (RT)
04/03/2007	80	Received Amicus PUBLIC JUSTICE PC in 04-16688's brief in opposition to aplt Wal-Mart Stores' pet for rhrg en banc in 50 copies of 11 pages; served on 4/2/07 deficient: (Need mtn to file); Notified counsel. (PANEL & ALL ACTIVE JUDGES & ANY INTERESTED SENIOR JUDGE) [04-16688, 04-16720] (MF)
04/10/2007	81	Filed Public Justice, P.C.'s request leave to file an amicus curiae brief in opposition to Def/Aplt Wal-Mart Stores, Inc.'s petition for rehearing en banc; served on 4/9/07 (PANEL AND ALL ACTIVE JUDGES AND ALL INTERESTED SENIOR JUDGES) [6142669] [04-16688, 04-16720] (GV)
04/25/2007	82	Filed Appellant x-appellee Wal-Mart, Inc.'s additional citations, FRAP 28(j) letter, served on 4/25/07 (PANEL & ALL ACTIVE & INTERESTED SENIOR JUDGES) [04-16688, 04-16720] (RT)
04/27/2007	83	Filed Appellee x-appellant Betty Dukes et al.'s additional citations, FRAP 28(j) letter, served on 4/26/07 (PANEL & ALL ACTIVE & INTERESTED SENIOR JUDGES) [04-16688, 04-16720] (RT)
05/18/2007	84	Filed Appellant x-appellee Wal-Mart, Inc.'s additional citations, FRAP 28(j) letter, served on 5/18/07 (PANEL & ALL ACTIVE & INTERESTED SENIOR JUDGES) [04-16688, 04-16720] (RT)
06/01/2007	85	Filed Appellee x-appellants Betty Dukes et al.'s additional citations, FRAP 28(j) letter, served on 5/31/07 (PANEL & ALL ACTIVE & INTERESTED SENIOR JUDGES) [04-16688, 04-16720] (RT)
06/01/2007	86	Filed Appellant x-appellee Wal-Mart, Inc.'s additional citations, FRAP 28(j) letter, served on 6/1/07 (PANEL & ALL ACTIVE & INTERESTED SENIOR JUDGES) [04-16688, 04-16720] (RT)
06/06/2007	87	Filed Appellees x-appellants Dukes additional citations, FRAP 28(j) letter, served on 6/5/07 (PANEL & ALL ACTIVE & INTERESTED SENIOR JUDGES) [04-16688, 04-16720] (RT)
06/11/2007	88	Filed Appellant x-appellee Wal-Mart, Inc.'s unopposed motion for exemption from Circuit Rule 45-5; served on 6/8/07 (PANEL) [04-16688, 04-16720] [04-16688, 04-16720] (RT)
06/19/2007	89	Rec'd notice of change of address from attorney Debra Gardner for Appellee x-appellant Dukes: Debra Gardner, Public Justice Center, One N Charles St, Ste 200, Baltimore, MD 21201-3710. (CASEFILE) [04-16688, 04-16720] (RT)
07/20/2007	90	Filed order (Harry PREGERSON, Andrew J. KLEINFELD, Michael D. HAWKINS, Circuit Judges): The motions for exemption from Circuit Rule 45-5 filed on behalf of Julia Campins and Jaime Byrnes are GRANTED. Motions for leave to file following documents are GRANTED: California Employment Law Council's proposed amicus curiae brief in support of Wal-Mart's petition for rehearing; Equal Employment Advisory Council's amicus curiae letter brief in support of Wal Mart's petition for rehearing en banc; Chamber of Commerce of USA' amicus curiae brief in support of Wal Mart's petition for rehearing en banc; Product Liability Advisory Council's amicus curiae brief in support of Wal Mart's petition for rehearing en banc; Retail Industry Leaders Association's amicus curiae brief in support of Wal Mart's petition for rehearing en banc; Washington Legal Foundation's amicus curiae brief in support of Wal Mart's petition for rehearing en banc; The Employer's Group's amicus curiae brief in support of Wal Mart's petition for rehearing en banc; Lawyers' Committee for Civil Rights Under Law et al.'s amici curiae brief in support of Duke's opposition to the petition for rehearing en banc; Wal Mart, Inc.'s reply brief in support of its petition for rehearing en banc; US Women's Chamber of Commerce's amicus curiae letter brief in support of Dukes's opposition to the petition for rehearing en banc; The National Employment Lawyers Association et al.'s amici curiae brief in support of Dukes's opposition to the petition for rehearing en banc; Consumers Union's et al.'s proposed amici curiae brief in opposition to Wal Mart's petition for rehearing en banc; American Association of Retired Person's amici curiae brief in support of Duke's opposition to the petition for rehearing en banc; Public Justice's amicus brief in opposition to Wal Mart's petition for rehearing en banc. [04-16688, 04-16720] (RT)
12/11/2007	92	FILED ORDER AND OPINION: vacating opinion AFFIRMED [53] in 04-16688, 04-16720, denying petition for enbanc rehearing [55] AFFIRMED. (Terminated on the Merits after Oral Hearing; Affirmed;

Written, Signed, Published. Harry PREGERSON, author; Andrew J. KLEINFELD, dissenting; Michael D. HAWKINS). FILED AND ENTERED JUDGMENT. [04-16688, 04-16720] (GV)

12/14/2007	93	Filed Appellant x-appellee Wal-Mart, Inc.'s motion to extend time to file petition for rehearing until January 9, 2008; served on 12/14/07 (PANEL) [04-16688, 04-16720] (RT)
12/19/2007	94	Filed Appellees x-appellants Dukes motion to extend time to file petition for rehearing until January 9, 2008; served on 12/18/07 (PANEL) [04-16688, 04-16720] (RT)
12/21/2007	95	Received attorney Theodore J. Boutrous for Appellant x-appellee Wal-Mart, Inc.'s letter dated 12/21/07 re: motions for extensions of time to file petitions for rehearing. (PANEL by fax) [04-16688, 04-16720] (RT)
12/21/2007	96	Filed order (Harry PREGERSON, Andrew J. KLEINFELD, Michael D. HAWKINS, Circuit Judges): The Court issued its revised opinion on December 11, 2007. Pursuant to Federal Rule of Appellate Procedure 26(b), both parties filed unopposed motions for extensions of time to file their petitions for rehearing en banc. Those motions are GRANTED. The deadline for filing is hereby extended to and including January 9, 2008. (phoned/faxed counsel for parties: 4:10 pm) [04-16688, 04-16720] (RT)
01/08/2008	97	Filed original and 50 copies Appellant Wal-Mart, Inc. in 04-16688 petition for panel rehearing and petition for rehearing en banc. p.pages, served on 1/8/08 (PANEL AND ALL ACTIVE JUDGES AND ANY INTERESTED SENIOR JUDGES) [04-16688, 04-16720] (JE)
01/08/2008	98	Filed Appellant Wal-Mart, Inc. in 04-16688's motion to take judicial notice. [04-16688, 04-16720] served on 1/8/08 [6392623] FEDEX TO PANEL [04-16688, 04-16720] (JE)
01/09/2008	99	Filed original and 3 copies Appellees Betty Dukes, Patricia Surgeson, Edith Arana, Karen Williamson, Deborah Gunter, Christine Kwapnoski, Page Cleo in 04-16688, cross-Appellants Betty Dukes, Patricia Surgeson, Edith Arana, Karen Williamson, Deborah Gunter, Christine Kwapnoski, Page Cleo in 04-16720 petition for rehearing, 13 p.pages, served on 1/8/08 (FEDEX TO PANEL) [04-16688, 04-16720] (LA)
01/16/2008	100	Filed original and 50 copies Retail Industry Leaders Association's amicus curiae brief in support of Appellant x-appellee Wal Mart Stores, Inc.'s petition for rehearing en banc of 11 pages; served on 1/15/08 (PANEL & ALL ACTIVE & INTERESTED SENIOR JUDGES) [04-16688, 04-16720] (RT)
01/17/2008	101	Filed original and 50 copies The Employers Group amicus curiae brief in support of Appellant x-appellee Wal Mart Stores, Inc.'s petition for rehearing en banc of 12 pages; served on 1/17/08 (PANEL & ALL ACTIVE & INTERESTED SENIOR JUDGES) [04-16688, 04-16720] (RT)
01/18/2008	102	Filed original and 50 copies Product Liability Advisory Council, Inc.'s amicus curiae brief (brief states all parties consent to its filing) of 50 pages in support of Appellant x-appellee Wal Mart Stores, Inc.'s petition for rehearing en banc; served on 1/18/08 (PANEL & ALL ACTIVE & INTERESTED SENIOR JUDGES) [04-16688, 04-16720] (RT)
01/18/2008	103	Filed original and 50 copies Washington Legal Foundation's amicus curiae brief of 15 pages (brief states all parties consent to its filing) in support of Appellant x-appellee Wal Mart Stores, Inc.'s petition for rehearing en banc; served on 1/17/08 (PANEL & ALL ACTIVE & INTERESTED SENIOR JUDGES) [04-16688, 04-16720] (RT)
01/18/2008	104	Filed original and 50 copies Equal Employment Advisory Council's (EEAC) amicus curiae letter brief (states all parties consent to its filing) of 10 pages in support of Appellant x-appellee Wal Mart Stores, Inc.'s petition for rehearing en banc; served on 1/17/08 (PANEL & ALL ACTIVE & INTERESTED SENIOR JUDGES) [04-16688, 04-16720] (RT)
01/18/2008	105	Received California Employment Law Council's (proposed) amicus curiae brief in 50 copies of 15 pages in support of Appellant x-appellee Wal Mart Stores, Inc.'s petition for rehearing en banc; served on 1/17/08; deficient: submitted with motion for leave to file brief. (PANEL & ALL ACTIVE & INTERESTED SENIOR JUDGES) [04-16688, 04-16720] (RT)
01/18/2008	106	Filed California Employment Law Council's motion (application) for leave to file amicus curiae brief in support of petition for rehearing en banc; served on 1/17/08 (PANEL & ALL ACTIVE & INTERESTED SENIOR JUDGES) (RT)
01/22/2008	108	Filed original and 4 copies NAACP Legal Defense & Education Fund, et al.'s amici curiae brief (states all parties consent to its filing) of 21 pages in support of Appellees x-appellants Dukes petition for rehearing; served on 1/18/08 (PANEL) [04-16688, 04-16720] (RT)

01/24/2008	107	Filed original and 50 copies Chamber of Commerce of USA's amicus curiae brief of 13 pages (states all parties consent to its filing) in support of Appellant x-appellee Wal Mart Stores, Inc.'s petition for rehearing en banc; served on 1/18/08 (PANEL & ALL ACTIVE & INTERESTED SENIOR JUDGES) [04-16688, 04-16720] (RT)
04/08/2008	109	Filed Appellant Wal-Mart, Inc.'s additional citations, 28(j) letter. Served on 04/08/2008. (fed-ex panel) [04-16688, 04-16720] (LC)
04/18/2008	110	Filed Appellees' response to aplt's additional citations. Served on 04/18/2008. (panel) [04-16688, 04-16720] (JE)
05/15/2008	111	Received notice of change of address dated 05/12/2008 from Ann Elizabeth Reesman, Esq. and Rae T. Vann, Esq. counsel for EEAC in 04-16688, 04-16720, 07-15838, 04-17295, and 06-16864. Current new address: NORRIS TYSSSE LAMPLEY & LAKIS, LLP, 1501 M Street, NW., Suite 400, Washington, DC 20005. [04-16688, 04-16720] (EU)
06/16/2008	112	Received notice of change of address dated 06/13/2008 from Joel E. Krischer, Esq. for The Employers Group in 04-16688. Current new address: LATHAM & WATKINS LLP, 355 South Grand Avenue, Los Angeles, Ca, 90071. [04-16688, 04-16720] (SK)
06/23/2008	113	Filed order (HARRY PREGERSON, ANDREW J. KLEINFELD and MICHAEL DALY HAWKINS): Plaintiffs are hereby ordered to file a response to Defendant's Petition for Panel Rehearing and Petition for Rehearing En Banc. Defendant is hereby ordered to file a response to Plaintiffs' Petition for Panel Rehearing. See FED. R. APP. P. 35(e) and 40(a)(3); Circuit Rule 40-1(a). Responses must be received within 21 days of the date of this order. [04-16688, 04-16720] (AF)
	2 pg, 28.02 KB	
07/14/2008	114	Filed original and 3 copies of Appellant/ Cross-Appellee Wal-Mart, Inc.'s response to Appellee/ Cross-Appellant's petition for panel rehearing, 17 pages; served on 07/14/2008. (PANEL) PLEASE NOTE: THE ATTACHED DOCUMENT IS A DOCUMENT INTERNAL TO THE COURT AND IS NOT ACCESSIBLE ON PACER OR ECF. [04-16688, 04-16720] (LC)
07/14/2008	115	Filed original and 50 copies of Appellee/ Cross-Appellant' Betty Dukes, et al's opposition to Appellant/ Cross-Appellee's petition for rehearing en banc; 18 pages; served on 06/11/2008. (PANEL-ACTIVE JUDGES-ANY INTERESTED SENIOR JUDGES) PLEASE NOTE: THE ATTACHED DOCUMENT IS A DOCUMENT INTERNAL TO THE COURT AND IS NOT ACCESSIBLE ON PACER OR ECF. [04-16688, 04-16720] (LC)
07/24/2008	116	Filed original and 50 copies of Amicus Center for Constitutional Rights, Consumers Union, amd Nation Consumer Law Center's amicus brief in opposition to petition for rehearing en banc, 11 pages. Served on 07/24/2008 [04-16688, 04-16720] (PANEL - ALL ACTIVE JUDGES - ANY INTERESTED SENIOR JUDGES) (LC)
07/24/2008	118	Filed original and 50 copies of Nation Employment Lowyers Association and The Legal Aid Society-Employment Law Center amicus brief in opposition to petition for rehearing en banc, 15 pages; served on 07/23/2008 [04-16688, 04-16720] (PANEL - ALL ACTIVE JUGES - AND ANY INTERESTED SENIOR JUDGES) (LC)
07/24/2008	117	ENTRY UPDATE: Received Amicus Center for Constitutional Rights, Consumers Union, amd Nation Consumer Law Center's motion to file amicus brief in opposition to petition for rehearing en banc; served on 7/24/08 [04-16688, 04-16720] (casefile - parties already granted amicus curaie)--[Edited 07/25/2008 by LC] (LC)
07/28/2008	119	Filed Appellant Wal-Mart, Inc.'s motion to file reply in support of petition for rehearng en banc. Served on 07/28/2008. [04-16688, 04-16720] (fed-ex PANEL) (LC)
07/28/2008	120	Received Appellant Wal-Mart, Inc.'s reply brief in support of petition for rehearing en banc. Served on 07/28/2008 [04-16688, 04-16720] (motion pending w/ PANEL) (fed-ex PANEL) (LC)
08/11/2008	121	Received Impact Fund's 28 (j) letter, dated 08/11/2008, in support appellee/ cross-appellant's opposition to petition for rehearing en banc. (PANEL - ALL ACTIVE JUDGES - ANY INTERESTED SENIOR JUDGES). [04-16688, 04-16720] (LC)
09/08/2008	122	Filed order (HARRY PREGERSON, ANDREW J. KLEINFELD and MICHAEL DALY HAWKINS)Defendant's Motion for Leave to File Reply Brief in Support of Petition for Rehearing En Banc is hereby GRANTED. Defendant's Reply Brief, received on July 28, 2008, is hereby ordered FILED. [04-16688, 04-16720] (KKW)
	2 pg, 23.04 KB	

09/09/2008	123	Filed original and 50 copies of Appellant Wal-Mart, Inc.'s reply brief in support of petition for rehearing en banc, 9 pages; Served on 07/28/2008. (PANEL - ALL ACTIVE JUDGES - ANY INTERESTED SENIOR JUDGES) [04-16688, 04-16720] (LC)
09/16/2008	124	Mail returned on 09/15/2008 addressed to Terri L. Ross, Esquire for The Retail Industry Leaders Association in 04-16688, re: September 8th order. Resending to: casefiles-not lead counsel. [04-16688, 04-16720, 04-80057] (HC)
09/24/2008	125	Mail returned on 09/16/2008 addressed to Barbara A. Johnson, Esquire for Wal-Mart, Inc. in 04-16688, re: September 8th order. Resending to: casefiles-not lead counsel. [04-16688, 04-16720] (HC)
10/02/2008	126	Filed motion Dukes, et al's motion for exemption from Circuit Rule 46-5 and declaration of Jason H. Tarricone in support of motion; served on 09/30/2008. (faxed PANEL) [04-16688, 04-16720] (LC)
12/01/2008	127	Received notice of change of address dated 12/01/2008 from Mr. Mark Andrew Perry for Wal-Mart, Inc. in 04-16688. Current new address: GIBSON DUNN & CRUTCHER LLP, 555 Mission Street, Suite 3000, San Francisco, Ca, 94105. [04-16688, 04-16720] (SK)
01/05/2009	128 60 pg, 2.22 MB	Filed (ECF) Appellant Wal-Mart, Inc. in 04-16688 citation of supplemental authorities. Date of service: 01/05/2009. [6756943] [04-16688, 04-16720] (TJB)
01/05/2009	129 60 pg, 2.13 MB	Filed (ECF) Appellant Wal-Mart, Inc. in 04-16688 citation of supplemental authorities. Date of service: 01/05/2009. [6757135] [04-16688, 04-16720] (TJB)
01/08/2009	130 2 pg, 30.77 KB	Electronically-filed document [129] Additional Citations 28j Filed (ECF Filing) is stricken because there is an error in the document. Documnt filed twice. [04-16688, 04-16720] (LC)
01/15/2009	131 2 pg, 26.84 KB	Filed (ECF) Appellees Edith Arana, Page Cleo, Betty Dukes, Deborah Gunter, Christine Kwapnoski, Patricia Surgeson and Karen Williamson in 04-16688, Appellants Edith Arana, Page Cleo, Betty Dukes, Deborah Gunter, Christine Kwapnoski, Patricia Surgeson and Karen Williamson in 04-16720 Correspondence: Response to 28(j) letter. Date of service: 01/15/2009 [6771869] [04-16688, 04-16720] (JS)
02/04/2009	152 21 pg, 720.88 KB	Received 30 add'l copies, Brief of Amicus Curiae Product Liability Advisory Council, Inc. in support of Wal-Mart Stores, Inc's petition for rehearing en banc, 11-pgs; original filed on 01/18/08. (EN BANC COURT) (per ct's order filed 02/17/09) [04-16688, 04-16720] (RR)
02/13/2009	133 2 pg, 11.16 KB	Filed En Banc Order for PUBLICATION KOZINSKI, Chief Judge: Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit. Judges McKeown, Rawlinson and Bybee did not participate in the deliberations or vote in this case. [04-16688, 04-16720] (PH)
02/17/2009	134 2 pg, 30.39 KB	Filed order (ALEX KOZINSKI): En banc oral argument will take place during the week of March 23, 2009, in San Francisco, California. The date and time will be determined by separate order. Within seven days from the date of this order, the parties shall forward to the Clerk of Court thirty additional copies of the original briefs and excerpts of record. [04-16688, 04-16720] (AF)
02/18/2009	135	CALENDARED: week of 03/23/2009 San Francisco, CA Courtroom 1 - exact date & time to be determined by further order [04-16688, 04-16720] (AW)
02/23/2009	136 2 pg, 27.91 KB	Filed order (ALEX KOZINSKI)Appellees' motion for an exemption from Circuit Rule 46-5 is granted. [04-16688, 04-16720] (KKW)
02/24/2009	153 21 pg, 720.88 KB	Received 30 add'l copies, Brief of Amicus Curiae Product Liability Advisory Council, Inc. in support of Wal-Mart Stores, Inc's petition for rehearing en banc; 11-pgs; original filed on 01/18/08. (EN BANC COURT) [04-16688, 04-16720] (RR)
02/26/2009	137	Received 30 copies of Appellee/ Cross-Appellant's Betty Dukes, et al's second/opening brief on cross-appeal filed 1/3/05 with 3 vols of Supp EOR. [04-16688, 04-16720] (LC)
02/26/2009	138	Received 30 copies of Appellee/ Cross-Appellant's Betty Dukes, et al's reply brief in support of cross-appeal filed 2/14/05 with 1 vol. of Supp EOR. [04-16688, 04-16720] (LC)
02/26/2009	139	Received 30 copies of Amicus The National employment Lawyers Association, et al's brief filed 1/10/05. [04-16688, 04-16720] (LC)

02/26/2009	140	Received 30 copies of Amicus The Lawyers Committee for Civil Rights under the law, et al's brief filed 1/13/05. [04-16688, 04-16720] (LC)
02/26/2009	141	Received 30 copies of Amicus Center for Constitutional Rights, et al's brief filed 1/10/05. [04-16688, 04-16720] (LC)
02/26/2009	142	Received 30 copies of Amicus AARP, et al's brief filed 1/10/05. [04-16688, 04-16720] (LC)
02/26/2009	143	Received 30 copies of Amicus The Retailer Industry Leaders Association brief filed on 12/08/2004 [04-16688, 04-16720] (TB)
02/26/2009	144	Received 30 copies of Amicus The Chamber of Commerce of the United States brief filed on 12/09/2004 [04-16688, 04-16720] (TB)
02/26/2009	145	Received 30 copies Appellant Cross Appellee Wal-Mart, Inc.'s first brief on cross-appeal, (Informal: No) of 61 pages; 5 vol. of EOR; filed on 11/29/2004. [04-16688, 04-16720] (TB)
02/26/2009	146	Received 30 copies Appellant Cross Appellee Wal-Mart, Inc.'s third brief on cross-appeal (Informal: No) of 59 pages; 1 vol. of Supp EOR; filed on 01/28/2005. [04-16688, 04-16720] (TB)
02/26/2009	147	Received 30 copies Amicus Curiae Brief of EEAC (Equal Employment Advisory Council) in support of Appellant Cross Appellee Wal Mart Stores, Inc and in support of reversal of 29 pages; filed on 12/08/2004. [04-16688, 04-16720] (TB)
03/03/2009	148	Filed order (ALEX KOZINSKI) calendar case in. [04-16688, 04-16720] (KKW)
	2 pg, 28.78 KB	
03/03/2009	149	incorrect docket entry deleted.--[Edited 03/03/2009 by AM] (AM)
03/03/2009	150	UPDATED CASE CALENDARED: 03/24/2009 2:00 PM San Francisco, CA Courtroom 1 [04-16688, 04-16720] (AM)
03/03/2009	151	Notice of Oral Argument on MARCH 24, 2009 Calendar. Please return ACKNOWLEDGEMENT OF HEARING NOTICE form to: SAN FRANCISCO Office. Open attached documents to view details about your case. [04-16688, 04-16720] (AM)
	4 pg, 121.73 KB	
03/05/2009	154	Submitted (ECF) Amicus brief for review and filed Motion to become amicus curiae. Submitted by Pacific Legal Foundation. Date of service: 03/05/2009. [6833991] [04-16688, 04-16720] (TS)
	48 pg, 125.6 KB	
03/06/2009	155	Submitted (ECF) Letter brief for review. Submitted by Amicus Curiae EEAC in 04-16688. Date of service: 03/06/2009. [6836098] [04-16688, 04-16720] (RTV)
	12 pg, 77.69 KB	
03/06/2009	160	Filed original and 30 copies of Chamber of Commerce of the United States in 04-16688 amicus brief of 20 pages. Served on 03/06/2009. (EN BANC PANEL)[04-16688, 04-16720] (LC)
	30 pg, 1.09 MB	
03/09/2009	156	Submitted (ECF) Amicus brief for review. Submitted by Amicus Curiae AARP in 04-16688. Date of service: 03/09/2009. [6837944] [04-16688, 02-80008, 04-16720, 04-80057] (DBK)
	28 pg, 55.27 KB	
03/09/2009	157	Filed clerk order: Electronically-filed document [156] Brief Submitted for Review (ECF Filing) is stricken because there is an error in the document. Please re-file document in pertaining case only. File document in lead appeal #04-16688 and only check box for cross- appeal #04-16720. [04-16688, 02-80008, 04-16720, 04-80057] (LC)
	2 pg, 32.35 KB	
03/10/2009	158	Filed (ECF) notice of appearance of Pamela Coukos for Amicus Curiae NELA in 04-16688, 04-16720. Date of service: 03/10/2009. [6839890] [04-16688, 04-16720, 04-80057] (PC)
	1 pg, 475.97 KB	
03/10/2009	159	Filed clerk order: Electronically-filed document [158] Notice of Appearance (ECF Filing) is stricken because there is an error in the document. Appeal # 04-80057 closed 8/13/04. Please re-file document in lead appeal #04-16688 and cross appeal #04-16720 only. [04-16688, 04-16720, 04-80057] (LC)
	2 pg, 32.22 KB	
03/11/2009	161	corrected Notice of Oral Argument on MARCH 24 2009 Calendar in SF. Please open attached documents to view details about your case. note argument time allotment [04-16688, 04-16720] (AW)
	1 pg, 26.37 KB	
03/11/2009	162	Filed (ECF) notice of appearance of Pamela Coukos for Amicus Curiae NELA in 04-16688, 04-16720. Date of service: 03/11/2009. [6841268] [04-16688, 04-16720] (PC)
	4 pg, 34.78 KB	
03/11/2009	163	Added attorney Pamela Coukos for NELA. [04-16688, 04-16720] (LC)

03/11/2009	164	Terminated Sandi Farrell for NELA. [04-16688, 04-16720] (LC)
03/12/2009	165 4 pg, 393.43 KB	Filed (ECF) notice of appearance of Matthew Colangelo for Amicus Curiae NAACP Legal Defense and Educational Fund, Inc. in 04-16688. Date of service: 03/12/2009. [6842212] [04-16688, 04-16720] (MC)
03/12/2009	166	Added attorney Matthew Colangelo for NAACP Legal Defense and Educational Fund, Inc. [04-16688, 04-16720] (LC)
03/12/2009	167	Terminated Robert H. Stroup for NAACP Legal Defense and Educational Fund, Inc. [04-16688, 04-16720] (LC)
03/12/2009	 1 pg, 27.03 KB	Filed clerk order: 155 EEAC's letter brief submitted 3/6/09 is ordered filed. [04-16688, 04-16720] (LC)
03/12/2009	168 28 pg, 143.16 KB	Filed (ECF) Brief Amici Curiae of AARP and California Women's Law Center Motion to become amicus curiae. Date of service: 03/12/2009. [6843107] [04-16688, 04-16720] (DBK)
03/12/2009	169 34 pg, 222.91 KB	Submitted (ECF) Amicus brief for review. Submitted by Amicus Curiae NELA in 04-16688. Date of service: 03/10/2009. [6843144] [04-16688, 04-16720] (PC)
03/12/2009	170 2 pg, 32.27 KB	Filed clerk order: Electronically-filed document 168 Motion (ECF Filing) , 168 motion to become amicus is stricken because there is an error in the document: wrong event used on appellate ecf. No motion attached, only brief. Please re-submitted your brief under the category for amicus brief for review only. [04-16688, 04-16720] (LC)
03/12/2009	 1 pg, 26.68 KB	Filed clerk order: Amicus Brief 169 submitted by NELA is ordered filed. [04-16688, 04-16720] (LC)
03/12/2009	171 2 pg, 27.96 KB	ENTRY UPDATE: Disregard order striking document as it was issued in error. Filed clerk order: Electronically-filed document 169 Brief Submitted for Review (ECF Filing) is stricken because there is an error in the document. [04-16688, 04-16720] See Order. (MT)
03/13/2009	172 28 pg, 143.16 KB	Submitted (ECF) Amicus brief for review. Submitted by Amicus Curiae AARP in 04-16688. Date of service: 03/13/2009. [6844323] [04-16688, 04-16720] (DBK)
03/13/2009	 1 pg, 27.19 KB	Filed clerk order: Amicus Brief 172 submitted by AARP is ordered filed. [04-16688, 04-16720] (LC)
03/13/2009	173	Deleted Incorrect Docket Entry (PK)
03/13/2009	174 39 pg, 266.19 KB	Submitted (ECF) Amicus brief for review. Submitted by Amici Curiae Center for Constitutional Rights and Consumers Union in 04-16688. Date of service: 03/13/2009. [6844508] [04-16688, 04-16720] (BLL)
03/13/2009	 1 pg, 27.23 KB	Filed clerk order: Amicus Brief 174 filed by amicus curiae Consumers Union and Center for Constitutional Rights is ordered filed. [04-16688, 04-16720] (LC)
03/13/2009	175 24 pg, 828.11 KB	Submitted (ECF) Amicus brief for review. Submitted by - Public Justice, P.C. in 04-16688, 04-16720. Date of service: 03/13/2009. [6845353] [04-16688, 04-16720] (JRW)
03/13/2009	176	Terminated Sheila Thomas for Betty Dukes in 04-16688 and Betty Dukes in 04-16720 [04-16688, 04-16720] (LN)
03/13/2009	177 2 pg, 32.99 KB	Filed clerk order: Electronically-filed document 175 Brief Submitted for Review (ECF Filing) is stricken because there is an error in the document. Wrong event used. Filer has submitted a motion to become amicus and amicus brief. If all parties consent, a motion to become amicus is not necessary, but non-opposition should be noted in the brief. To submit a motion & brief, please use the motions category. If you would like to submit just the brief, with consent noted, please use the brief category. [04-16688, 04-16720] (LC)
03/13/2009	178 44 pg, 146.8 KB	Submitted (ECF) Amicus brief for review. Submitted by Amicus Curiae NAACP Legal Defense and Educational Fund, Inc. in 04-16688. Date of service: 03/13/2009. [6845475] [04-16688, 04-16720] (MC)
03/13/2009		Filed clerk order: Amicus Brief 178 filed by amicus curiae' NAACP Legal Defense and Educational

			Fund, et al. on 3/13/09 is ordered filed. [04-16688, 04-16720] (LC)
	1 pg, 27.16 KB		
03/13/2009	179		Mail returned on 02/27/2009 addressed to Barbara A. Johnson, Esquire for Wal-Mart, Inc. in 04-16688, 04-16720, re: February 17, 2009 Order. Resending to: casefile- unable to reach attorney but Appellant has co-counsel.. [04-16688, 04-16720] (MT)
03/13/2009	180		Submitted (ECF) Amicus brief for review. Submitted by - Public Justice, P.C. in 04-16688, 04-16720. Date of service: 03/13/2009. [6845670] [04-16688, 04-16720] (JRW)
	21 pg, 750.47 KB		
03/13/2009			Filed clerk order: Amicus Brief 180 filed by Public Justice, P.C. is ordered filed. [04-16688, 04-16720] (LC)
	1 pg, 26.69 KB		
03/16/2009	181		Filed (ECF) Appellant Wal-Mart, Inc. in 04-16688 citation of supplemental authorities. Date of service: 03/16/2009. [6846827] [04-16688, 04-16720] (TJB)
	4 pg, 157.4 KB		
03/16/2009	182		Filed order (ALEX KOZINSKI)Leave is granted to file the amicus briefs submitted by the AARP, Consumers Union, NAACP Legal Defense and Educational Fund and the Pacific Legal Foundation. The amicus letter brief submitted by the Equal Employment Advisory Council shall not be filed because it is not a "short letter" intended only "to join in the arguments or factual statements of a party or other amici." Cir. Advisory Comm. Note to 9th Cir. R. 29-1. Nor does it meet the requirements of an amicus brief. See Fed. R. App. P. 29. Any further amicus briefs must be filed by March 19, 2009. Briefs submitted after that date will not be considered. [04-16688, 04-16720]--[Edited 03/18/2009 by BY]--[Edited 03/18/2009 by BY] (KKW)
	2 pg, 31.66 KB		
03/16/2009	183		Filed clerk order: Electronically-filed document 181 Additional Citations 28j Filed (ECF Filing) is stricken per counsel request. . [04-16688, 04-16720] (LC)
	1 pg, 27.54 KB		
03/16/2009	184		Filed (ECF) Appellee Wal-Mart, Inc. in 04-16720 citation of supplemental authorities. Date of service: 03/16/2009. [6847404] [04-16688, 04-16720] (TJB)
	117 pg, 2.72 MB		
03/17/2009	185		Terminated Charles V. Firth for Karen Williamson, Patricia Surgeson, Christine Kwapnoski, Deborah Gunter, Betty Dukes, Page Cleo and Edith Arana in 04-16688 [04-16688, 04-16720] (LN)
03/17/2009	186		Terminated Charles V. Firth for Karen Williamson, Patricia Surgeson, Christine Kwapnoski, Deborah Gunter, Betty Dukes, Page Cleo and Edith Arana in 04-16720, Jonathan Smith for Betty Dukes in 04-16688 and Betty Dukes in 04-16720 [04-16688, 04-16720] (LN)
03/17/2009	187		Terminated Ann Elizabeth Reesman for EEAC in 04-16688 and EEAC in 04-16720 [04-16688, 04-16720] (LN)
03/17/2009	188		Terminated Deborah J. Vagins for Betty Dukes in 04-16688 and Betty Dukes in 04-16720 [04-16688, 04-16720] (LN)
03/18/2009			Filed clerk order: Amicus Brief 154 , 154 . submitted by amicus curiae Pacific Legal Foundation on 3/5/09 is ordered filed per 3/16/09 order. [04-16688, 04-16720] (LC)
	1 pg, 27.2 KB		
03/18/2009	189		Filed (ECF) Appellees Edith Arana, Page Cleo, Betty Dukes, Deborah Gunter, Christine Kwapnoski, Patricia Surgeson and Karen Williamson in 04-16688 citation of supplemental authorities. Date of service: 03/18/2009. [6850755] [04-16688, 04-16720] (JDL)
	6 pg, 196.13 KB		
03/19/2009	190		Filed (ECF) Appellees Edith Arana, Page Cleo, Betty Dukes, Deborah Gunter, Christine Kwapnoski, Patricia Surgeson and Karen Williamson in 04-16688 citation of supplemental authorities. Date of service: 03/19/2009. [6851671] [04-16688, 04-16720] (JDL)
	25 pg, 324.34 KB		
03/19/2009	191		Submitted (ECF) Amicus brief for review. Submitted by Amicus Curiae EEAC in 04-16688. Date of service: 03/19/2009. [6851672] [04-16688, 04-16720] (RTV)
	18 pg, 66.5 KB		
03/19/2009	192		Submitted (ECF) Amicus brief for review and filed Motion to become amicus curiae. Submitted by Equal Employment Opportunity Commission. Date of service: 03/19/2009. [6851822] [04-16688, 04-16720] (BLS)
	41 pg, 149.01 KB		
03/19/2009	193		ENTRY UPDATED: Filed clerk order: Electronically-filed document 192 Brief Submitted for Review (ECF Filing) , 192 Motion (ECF Filing) , 192 motion to become amicus by Equal Employment Opportunity Commission, is stricken because there is an error in the document. No motion attached. Please re-file you document using the amicus brief relief only. [04-16688, 04-16720]--[Edited
	2 pg, 35.55 KB		

03/19/2009 by LC] (LC)

03/19/2009	194	Entered appearance of Amicus Curiae EEOC. [04-16688, 04-16720] (LC)
03/19/2009	195	Submitted (ECF) Amicus brief for review. Submitted by Amicus Curiae EEOC in 04-16688. Date of service: 03/19/2009. [6852156] [04-16688, 04-16720] (BLS)
	40 pg, 112.52 KB	
03/19/2009	196	Filed (ECF) notice of appearance of Barbara L. Sloan for Amicus Curiae EEOC in 04-16720. Date of service: 03/19/2009. [6852167] [04-16688, 04-16720] (BLS)
	1 pg, 464.71 KB	
03/19/2009		Filed clerk order: Amicus Brief [195] submitted by EEOC on 3/19/09 has been filed. [04-16688, 04-16720] (LC)
	1 pg, 26.46 KB	
03/20/2009	197	Filed (ECF) notice of appearance of James M. Beck for Amicus Curiae Product Liability Advisory Council in 04-16688. Date of service: 03/20/2009. [6853220] [04-16688, 04-16720] (JMB)
	1 pg, 472.62 KB	
03/20/2009	198	Terminated Richard L. Berkman for Product Liability Advisory Council. [04-16688, 04-16720] (LC)
03/20/2009	199	Added attorney James M. Beck for Product Liability Advisory Council. [04-16688, 04-16720] (LC)
03/20/2009	200	Filed (ECF) Appellee Wal-Mart, Inc. in 04-16720 citation of supplemental authorities. Date of service: 03/20/2009. [6853683] [04-16688, 04-16720] (TJB)
	4 pg, 145.82 KB	
03/23/2009	201	Filed (ECF) notice of appearance of Audrey J. Wiggins for Amicus Curiae Lawyers' Committee For Civil Rights Under Law in 04-16688. Date of service: 03/23/2009. [6854539] [04-16688, 04-16720] (AJW)
	1 pg, 42.87 KB	
03/23/2009	202	Added attorney Audrey Jordan Wiggins for Lawyers' Committee For Civil Rights Under Law. [04-16688, 04-16720] (LC)
03/23/2009	203	Terminated Michael Foreman for Lawyers' Committee For Civil Rights Under Law. [04-16688, 04-16720] (LC)
03/23/2009	204	Filed clerk order (Deputy Clerk:mcd): Denying Reuters' request to allow still photography in the courtroom. [04-16688, 04-16720] (MD)
	1 pg, 23.76 KB	
03/23/2009	205	Filed clerk order (Deputy Clerk:mcd): Denying Courtroom View Network's request to allow video recording in the courtroom. [04-16688, 04-16720] (MD)
	1 pg, 23.77 KB	
03/24/2009	244	ARGUED AND SUBMITTED TO ALEX KOZINSKI, STEPHEN R. REINHARDT, PAMELA ANN RYMER, MICHAEL DALY HAWKINS, BARRY G. SILVERMAN, SUSAN P. GRABER, RAYMOND C. FISHER, RICHARD A. PAEZ, MARSHA S. BERZON, CARLOS T. BEA and SANDRA S. IKUTA. [7323734] (JI)
03/30/2009	206	Added attorney Terisa Eileen Chaw for NELA, in case 04-16688 Terisa Eileen Chaw for NELA, in case 04-16720. [04-16688, 04-16720] (LN)
03/30/2009	207	Terminated Marissa M. Tirona for NELA in 04-16688 and NELA in 04-16720 [04-16688, 04-16720] (LN)
03/30/2009	208	Terminated Terri L. Chase for The Retail Industry Leaders Association in 04-16688 and The Retail Industry Leaders Association in 04-16720 [04-16688, 04-16720] (LN)
03/30/2009	209	Terminated Barbara A. Johnson for Wal-Mart, Inc. in 04-16688 and Wal-Mart, Inc. in 04-16720 [04-16688, 04-16720] (LN)
03/30/2009	210	Added attorney Barbara L. Johnson for Wal-Mart, Inc., in case 04-16688 Barbara L. Johnson for Wal-Mart, Inc., in case 04-16720. [04-16688, 04-16720] (LN)
04/14/2009	211	Filed appearance notice of Attorney(s) Terisa Eileen Chaw for party(s) Amicus Curiae NELA. [04-16688, 04-16720] (LC)
	1 pg, 41.49 KB	
04/29/2009	212	Filed (ECF) Appellant Wal-Mart, Inc. in 04-16688 citation of supplemental authorities. Date of service: 04/29/2009. [6902189] [04-16688, 04-16720] (TJB)
	50 pg, 202.59 KB	
05/07/2009	213	Filed (ECF) Appellees Edith Arana, Page Cleo, Betty Dukes, Deborah Gunter, Christine Kwapnoski, Patricia Surgeson and Karen Williamson in 04-16688 citation of supplemental authorities. Date of service: 05/07/2009. [6912730] [04-16688, 04-16720] (BS)
	3 pg, 151.85 KB	

05/07/2009	214	Mail returned to Terri L. Ross on 04/01/2009 addressed to , re: March 3, 2009 Order. Resending to: casefile- attorney not on case. [04-16688, 04-16720] (MT)
05/08/2009	215	Mail returned on 04/23/2009 addressed to Barbara L. Johnson for Wal-Mart, Inc. in 04-16688, 04-16720, re: hearing schedule. Resending to: casefile-no longer attorney on case. [04-16688, 04-16720] (MT)
05/08/2009	216	Mail returned on 04/23/2009 addressed to Terri L. Ross , re: March 12, 2009 Order. Resending to: casefile-no longer attorney on case. [04-16688, 04-16720] (MT)
05/08/2009	217	Mail returned on 04/23/2009 addressed to , re: February 17, 2009 Order. Resending to: casefile-not attorney on case. [04-16688, 04-16720] (MT)
05/08/2009	218	Mail returned on 03/30/2009 addressed to , re: March 16, 2009 Order. Resending to: casefile-no longer attorney of record. [04-16688, 04-16720] (MT)
07/17/2009	219	Filed (ECF) Appellees Edith Arana, Page Cleo, Betty Dukes, Deborah Gunter, Christine Kwapnoski, Patricia Surgeson and Karen Williamson in 04-16688 citation of supplemental authorities. Date of service: 07/17/2009. [6995694] [04-16688, 04-16720] (JDL)
	10 pg, 245.25 KB	
07/22/2009	220	Filed (ECF) Appellant Wal-Mart, Inc. in 04-16688 citation of supplemental authorities. Date of service: 07/22/2009. [6999701] [04-16688, 04-16720] (TJB)
	18 pg, 285.95 KB	
07/28/2009	221	Filed (ECF) Appellant Wal-Mart, Inc. in 04-16688 citation of supplemental authorities. Date of service: 07/28/2009. [7005738] [04-16688, 04-16720] (TJB)
	89 pg, 336.25 KB	
08/03/2009	222	Filed (ECF) Appellant Wal-Mart, Inc. in 04-16688 citation of supplemental authorities. Date of service: 08/03/2009. [7013290] [04-16688, 04-16720] (TJB)
	53 pg, 245.75 KB	
08/07/2009	223	Filed (ECF) Appellees Edith Arana, Page Cleo, Betty Dukes, Deborah Gunter, Christine Kwapnoski, Patricia Surgeson and Karen Williamson in 04-16688 citation of supplemental authorities. Date of service: 08/07/2009. [7019802] [04-16688, 04-16720] (BS)
	3 pg, 223.33 KB	
08/10/2009	224	Filed (ECF) Appellees Edith Arana, Page Cleo, Betty Dukes, Deborah Gunter, Christine Kwapnoski, Patricia Surgeson and Karen Williamson in 04-16688 citation of supplemental authorities. Date of service: 08/10/2009. [7022155] [04-16688, 04-16720] (BS)
	3 pg, 235.59 KB	
08/14/2009	225	Filed (ECF) Appellees Edith Arana, Page Cleo, Betty Dukes, Deborah Gunter, Christine Kwapnoski, Patricia Surgeson and Karen Williamson in 04-16688 citation of supplemental authorities. Date of service: 08/14/2009. [7027989] [04-16688, 04-16720] (JDL)
	26 pg, 375.6 KB	
08/20/2009	226	Filed (ECF) Appellant Wal-Mart, Inc. in 04-16688 citation of supplemental authorities. Date of service: 08/20/2009. [7034869] [04-16688, 04-16720] (TJB)
	43 pg, 188.67 KB	
01/12/2010	227	Filed (ECF) Appellees Edith Arana, Page Cleo, Betty Dukes, Deborah Gunter, Christine Kwapnoski, Patricia Surgeson and Karen Williamson in 04-16688 citation of supplemental authorities. Date of service: 01/12/2010. [7192084] [04-16688, 04-16720] (JDL)
	11 pg, 236.92 KB	
01/12/2010	228	Filed (ECF) Appellees Edith Arana, Page Cleo, Betty Dukes, Deborah Gunter, Christine Kwapnoski, Patricia Surgeson and Karen Williamson in 04-16688 citation of supplemental authorities. Date of service: 01/12/2010. [7192091] [04-16688, 04-16720] (JDL)
	18 pg, 302.29 KB	
01/15/2010	229	Filed (ECF) Appellant Wal-Mart, Inc. in 04-16688 citation of supplemental authorities. Date of service: 01/15/2010. [7196759] [04-16688, 04-16720] (TJB)
	19 pg, 136.76 KB	
01/15/2010	230	Filed (ECF) Appellant Wal-Mart, Inc. in 04-16688 citation of supplemental authorities. Date of service: 01/15/2010. [7196764] [04-16688, 04-16720] (TJB)
	34 pg, 161.83 KB	
01/20/2010	231	Filed (ECF) notice of appearance of Noreen Ann Farrell for Appellees Edith Arana, Page Cleo, Betty Dukes, Deborah Gunter, Christine Kwapnoski, Patricia Surgeson and Karen Williamson in 04-16688, Appellants Edith Arana, Page Cleo, Betty Dukes, Deborah Gunter, Christine Kwapnoski, Patricia Surgeson and Karen Williamson in 04-16720. Date of service: 01/20/2010. [7200677] [04-16688, 04-16720] (NAF)
	2 pg, 37.39 KB	
01/20/2010	232	Added attorney Noreen Ann Farrell for appellant/ cross-appellees Dukes, et al [7201471] [04-16688, 04-16720] (LC)

01/20/2010	233	Terminated Debra Smith for appellant/ cross-appellees Dukes, et al [7201474] [04-16688, 04-16720] (LC)
02/09/2010	234 2 pg, 36.59 KB	Filed (ECF) notice of appearance of Arcelia Leticia Hurtado for Appellees Edith Arana, Page Cleo, Betty Dukes, Deborah Gunter, Christine Kwapnoski, Patricia Surgeson and Karen Williamson in 04-16688, Appellants Edith Arana, Page Cleo, Betty Dukes, Deborah Gunter, Christine Kwapnoski, Patricia Surgeson and Karen Williamson in 04-16720. Date of service: 02/09/2010. [7225124] [04-16688, 04-16720] (AH)
02/10/2010	235	Added attorney Arcelia Hurtado for Dukes, et al. [7227829] [04-16688, 04-16720] (LC)
02/10/2010	236	Terminated Irma Dolores Herrera for Betty Dukes, et al. [7227836] [04-16688, 04-16720] (LC)
02/23/2010	237 4 pg, 52.97 KB	Filed (ECF) notice of appearance of for Amicus Curiae CELC in 04-16688, 04-16720. Date of service: 02/23/2010. [7241840] [04-16688, 04-16720] (JH)
02/23/2010	238	Added attorney Jane Howard-Martin for Amicus Curiae CELC [7241945] [04-16688, 04-16720] (LC)
02/23/2010	239	Terminated Maureen K. Bogue for CELC [7241948] [04-16688, 04-16720] (LC)
04/07/2010	240 16 pg, 106.56 KB	Filed (ECF) Appellant Wal-Mart, Inc. in 04-16688 citation of supplemental authorities. Date of service: 04/07/2010. [7293579] [04-16688, 04-16720] (TJB)
04/12/2010	241 3 pg, 134.66 KB	Filed (ECF) Appellees Edith Arana, Page Cleo, Betty Dukes, Deborah Gunter, Christine Kwapnoski, Patricia Surgeson and Karen Williamson in 04-16688 citation of supplemental authorities. Date of service: 04/12/2010. [7298120] [04-16688, 04-16720] (JDL)
04/26/2010	242 142 pg, 1018.39 KB	FILED OPINION (ALEX KOZINSKI, STEPHEN R. REINHARDT, PAMELA ANN RYMER, MICHAEL DALY HAWKINS, BARRY G. SILVERMAN, SUSAN P. GRABER, RAYMOND C. FISHER, RICHARD A. PAEZ, MARSHA S. BERZON, CARLOS T. BEA and SANDRA S. IKUTA) AFFIRMED IN PART; REMANDED IN PART. Each party shall bear its own costs on appeal. Judge: AK Dissenting, Judge: MDH Authoring, Judge: SPG Concurring, Judge: SSI Dissenting. FILED AND ENTERED JUDGMENT. [7313593] [04-16688, 04-16720] (RP)
04/27/2010	243 2 pg, 169.77 KB	Filed (ECF) Appellees Edith Arana, Page Cleo, Betty Dukes, Deborah Gunter, Christine Kwapnoski, Patricia Surgeson and Karen Williamson in 04-16688 Correspondence: Date Correction for Footnote 2 of En Banc Opinion. Date of service: 04/27/2010 [7316959] [04-16688, 04-16720] (JDL)
07/09/2010	245 2 pg, 41.86 KB	Received letter from the Supreme Court dated 07/07/2010 re: The application for an ext of time to file a petition for writ of certiorari has be granted to and including 8/25/10. [7401551] [04-16688, 04-16720] (LC)
08/26/2010	246 1 pg, 11.49 KB	Received notice from the Supreme Court: petition for certiorari filed on 08/25/2010. Supreme Court Number 10-277. [7453259] [04-16688, 04-16720] (LC)
10/20/2010	247 2 pg, 84.9 KB	MANDATE ISSUED.(AK, SR, PAR, MDH, BGS, SPG, RCF, RAP, MSB, CTB and SSI) [7516125] [04-16688, 04-16720] (LC)
12/08/2010	248 1 pg, 48.95 KB	Received notice from the Supreme Court. Petition for certiorari GRANTED on 12/06/2010 Supreme Court Number 10-277. [7571647] [04-16688, 04-16720] (SW)
02/01/2011	249	Transmitted to the U.S. Supreme Court: 1 volume(s) of 9th Circuit U.S. Court of Appeals record proceedings; the district court will forward their record directly. U.S. Supreme Court Case Number: 10-277. Tracking Information: FedEx 943607181932. [7632778] [04-16688, 04-16720] (SS)

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