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General Docket

US Court of Appeals for the Second Circuit

Second Circuit Court of
Appeals

LEAD

DISPOSED

Court of Appeals Docket #: 05-5943-cv
Nsuit : 3440 CIVIL RIGHTS-Other

In Re: Literary Works in Electronic Databases Filed 11/2/05
Copyright Litigation v.

Appeal SDNY (NEW YORK CITY)
from:

Case type information:

Civil

Private

None

Lower court information:

District: M21-90

Trial Judge: George Daniels

MagJudge:

Date Filed: 12/11/00

Date order/judgement: 9/28/2005

Date NOA filed: 10/24/2005

Fee status: Due

Panel Assignment:

Panel: RKW JMW CJS 500 Pearl

Date of decision: 8/17/11

Prior cases: NONE

Current cases NONE

Official Caption 1/

Docket as of November 18, 2011 11:41 pm

Page 1

□

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Docket No. [s] : 05-5943 -cv

Irvin Muchnick, Abraham Zaleznik, Charles Schwartz,
Jack Sands, Todd Pitock, Judith Stacey, Judith
Trotsky, Christopher Goodrich, Kathy Glicken and
Anita Bartholomew,

Objectors-Appellants,

v

Thomson Corporation, Dialog Corporation, Gale Group,
Inc., West Publishing Company, Inc., Dow Jones &
Company, Inc., Dow Jones Reuters Business Interactive,
LLC, Knight Ridder Inc., Knight Ridder Digital,
Mediastream, Inc., NewsBank, Inc., ProQuest Company,
Reed Elsevier Inc., Union-Tribune Publishing Company,
New York Times Company, Copley Press, Inc., EBSCO
Industries, Inc. and Participating Publisher Tribune
Company,

Defendants-Appellees,

Michael Castleman Inc., E. L. Doctorow, Tom Dunkel,
Andrea Dworkin, Jay Feldman, James Gleick, Ronald
Hayman, Robert Lacey, Ruth Laney, Paula McDonald,
P/K Associates, Inc., Letty Cottin Pogrebin, Gerald
Posner, Miriam Raftery, Ronald M. Schwartz, Mary
Sherman, Donald Spoto, Robert E. Treuhaft and Jessica
L. Treuhaft Trust, Robin Vaughan, Robley Wilson,
Marie Winn, National Writers Union, The Authors Guild,
Inc. and American Society of Journalists and Authors,

Plaintiffs-Appellees,

Edward Roeder

Appellant.

Authorized Abbreviated Caption 2/

Docket No. [s] : 05-5943 -cv

In Re: Literary Works in Electronic Databases Copyright
Litigation v.

1/ Fed. R. App. P. Rule 12 [a] and 32 [a].
2/ For use on correspondence and motions only.

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Knight Ridder Inc.

Defendant-Appellee

American Society of
Journalists and Authors
Plaintiff-Appellee

Annie Marie J. DeBartolomeo Esq.
[ret]
Girard, Gibbs & De Bartolomeo
LLP
601 California St.
San Francisco , CA , 94108

415-981-4800

Andrea Dworkin
Plaintiff-Appellee

Annie Marie J. DeBartolomeo Esq.
(See above)
[ret]

Authors Guild, Inc.
Plaintiff-Appellee

Annie Marie J. DeBartolomeo Esq.
(See above)
[ret]

Donald Spoto
Plaintiff

Annie Marie J. DeBartolomeo Esq.
(See above)
[ret]

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E. L. Doctorow
Plaintiff-Appellee

Annie Marie J. DeBartolomeo Esq.
(See above)
[ret]

Gerald Posner
Plaintiff

Annie Marie J. DeBartolomeo Esq.
(See above)
[ret]

James Gleick

Annie Marie J. DeBartolomeo Esq.
(See above)

Plaintiff	[ret]
Jay Feldman	Annie Marie J. DeBartolomeo Esq. (See above)
Plaintiff	[ret]
Letty Cottin Pogrebin	Annie Marie J. DeBartolomeo Esq. (See above)
Plaintiff	[ret]
Marie Winn	Annie Marie J. DeBartolomeo Esq. (See above)
Plaintiff-Appellee	[ret]
Mary Sherman	Annie Marie J. DeBartolomeo Esq.

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	(See above)
Plaintiff	[ret]
Michael Castleman Inc.	Annie Marie J. DeBartolomeo Esq. (See above)
Plaintiff-Appellee	[ret]
Miriam Raftery	Annie Marie J. DeBartolomeo Esq. (See above)
Plaintiff	[ret]
National Writers Union	Annie Marie J. DeBartolomeo Esq. (See above)
Plaintiff-Appellee	[ret]
P/K Associates, Inc.	Annie Marie J. DeBartolomeo Esq. (See above)
Plaintiff	[ret]
Paula McDonald	Annie Marie J. DeBartolomeo Esq. (See above)
Plaintiff	[ret]
Robert Lacey	Annie Marie J. DeBartolomeo Esq. (See above)
Plaintiff	[ret]

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□ LEAD
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Robert Treuhaft	Annie Marie J. DeBartolomeo Esq. (See above)
Plaintiff	[ret]
Robert E. Treuhaft and	Annie Marie J. DeBartolomeo Esq.

Jessica L. Treuhaft Trust Plaintiff	(See above) [ret]
Robin Vaughan Plaintiff	Annie Marie J. DeBartolomeo Esq. (See above) [ret]
Robley Wilson Plaintiff	Annie Marie J. DeBartolomeo Esq. (See above) [ret]
Ronald Hayman Plaintiff	Annie Marie J. DeBartolomeo Esq. (See above) [ret]
Ronald M. Schwartz Plaintiff	Annie Marie J. DeBartolomeo Esq. (See above) [ret]
Ruth Laney Plaintiff	Annie Marie J. DeBartolomeo Esq. (See above) [ret]

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Tom Dunkel Plaintiff-Appellee	Annie Marie J. DeBartolomeo Esq. (See above) [ret]
Edward Roeder Appellant	Brian M. Clark Esq. [LD ret] Wiggins, Childs, Quinn & Pantazis, LLC 301 19th Street North Birmingham , AL , 35203 205-314-0500
Abraham Zaleznik Objector-Appellant	Charles D. Chalmers Esq. [LD ret] Allegiance Litigation 851 Irwin Street San Rafael , CA , 94901 415-860-8134
Anita Bartholomew Objector-Appellant	Charles D. Chalmers Esq. (See above) [LD ret]
Charles Schwartz Objector-Appellant	Charles D. Chalmers Esq. (See above) [LD ret]

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Christopher Goodrich Charles D. Chalmers Esq. (See above)
Objector-Appellant [LD ret]

Irvin Muchnick Charles D. Chalmers Esq. (See above)
Objector-Appellant [LD ret]

Jack Sands Charles D. Chalmers Esq. (See above)
Objector-Appellant [LD ret]

Judith Stacey Charles D. Chalmers Esq. (See above)
Objector-Appellant [LD ret]

Judith Trotsky Charles D. Chalmers Esq. (See above)
Objector-Appellant [LD ret]

Kathy Glicken Charles D. Chalmers Esq. (See above)
Objector-Appellant [LD ret]

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☐ LEAD
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Todd Pitock Charles D. Chalmers Esq. (See above)
Objector-Appellant [LD ret]

Participating Publisher Charles S. Sims Esq.
Tribune Company [LD ret]
Defendant-Appellee Proskauer Rose LLP

1585 Broadway
New York , NY , 10036

212-969-3950

Reed Elsevier Inc. Charles S. Sims Esq. (See above)
Defendant-Appellee [LD ret]

NewsBank, Inc. Christopher M. Graham Esq.
Defendant-Appellee [LD ret]
Levett Rockwood

33 Riverside Ave
Westport , CT , 06880

203-222-0885

American Society of
Journalists and Authors
Plaintiff-Appellee

Diane Rice Esq.
[ret]
Hosie Rice LLP

The Transamerica Pyramid 600,

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□ LEAD

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San Francisco , CA , 94111oor

415-247-6000

Andrea Dworkin

Diane Rice Esq.(See above)

Plaintiff-Appellee

[ret]

Authors Guild, Inc.

Diane Rice Esq.(See above)

Plaintiff-Appellee

[ret]

Donald Spoto

Diane Rice Esq.(See above)

Plaintiff

[ret]

E. L. Doctorow

Diane Rice Esq.(See above)

Plaintiff-Appellee

[ret]

Gerald Posner

Diane Rice Esq.(See above)

Plaintiff

[ret]

James Gleick

Diane Rice Esq.(See above)

Plaintiff

[ret]

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□ LEAD

DISPOSED

Jay Feldman

Diane Rice Esq.(See above)

Plaintiff

[ret]

Letty Cottin Pogrebin

Diane Rice Esq.(See above)

Plaintiff

[ret]

Marie Winn	Diane Rice Esq. (See above)
Plaintiff-Appellee	[ret]
Mary Sherman	Diane Rice Esq. (See above)
Plaintiff	[ret]
Michael Castleman Inc.	Diane Rice Esq. (See above)
Plaintiff-Appellee	[ret]
Miriam Raftery	Diane Rice Esq. (See above)
Plaintiff	[ret]
National Writers Union	Diane Rice Esq. (See above)
Plaintiff-Appellee	[ret]

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□ LEAD
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P/K Associates, Inc.	Diane Rice Esq. (See above)
Plaintiff	[ret]
Paula McDonald	Diane Rice Esq. (See above)
Plaintiff	[ret]
Robert Lacey	Diane Rice Esq. (See above)
Plaintiff	[ret]
Robert Treuhaft	Diane Rice Esq. (See above)
Plaintiff	[ret]
Robert E. Treuhaft and Jessica L. Treuhaft Trust	Diane Rice Esq. (See above)
Plaintiff	[ret]
Robin Vaughan	Diane Rice Esq. (See above)
Plaintiff	[ret]

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□ LEAD
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Robley Wilson	Diane Rice Esq. (See above)
Plaintiff	[ret]

Ronald Hayman	Diane Rice Esq.(See above)
Plaintiff	[ret]
Ronald M. Schwartz	Diane Rice Esq.(See above)
Plaintiff	[ret]
Ruth Laney	Diane Rice Esq.(See above)
Plaintiff	[ret]
Tom Dunkel	Diane Rice Esq.(See above)
Plaintiff-Appellee	[ret]
American Society of Journalists and Authors	Gary S. Fergus Esq.
Plaintiff-Appellee	[LD ret] Gary S. Fergus, Esq.
	595 Market Street San Francisco , CA , 94105 415-537-9032

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□ LEAD
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Andrea Dworkin	Gary S. Fergus Esq.(See above)
Plaintiff-Appellee	[LD ret]
Authors Guild, Inc.	Gary S. Fergus Esq.(See above)
Plaintiff-Appellee	[LD ret]
Donald Spoto	Gary S. Fergus Esq.(See above)
Plaintiff	[LDret]
E. L. Doctorow	Gary S. Fergus Esq.(See above)
Plaintiff-Appellee	[LD ret]
Gerald Posner	Gary S. Fergus Esq.(See above)
Plaintiff	[LD ret]
James Gleick	Gary S. Fergus Esq.(See above)
Plaintiff	[LD ret]
Jay Feldman	Gary S. Fergus Esq.(See above)

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□ LEAD
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Plaintiff	[LD ret]
Letty Cottin Pogrebin	Gary S. Fergus Esq. (See above)
Plaintiff	[LD ret]
Marie Winn	Gary S. Fergus Esq. (See above)
Plaintiff-Appellee	[LD ret]
Mary Sherman	Gary S. Fergus Esq. (See above)
Plaintiff	[LD ret]
Michael Castleman Inc.	Gary S. Fergus Esq. (See above)
Plaintiff-Appellee	[LD ret]
Miriam Raftery	Gary S. Fergus Esq. (See above)
Plaintiff	[LD ret]
National Writers Union	Gary S. Fergus Esq. (See above)
Plaintiff-Appellee	[LD ret]

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□ LEAD
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P/K Associates, Inc.	Gary S. Fergus Esq. (See above)
Plaintiff	[LD ret]
Paula McDonald	Gary S. Fergus Esq. (See above)
Plaintiff	[LDret]
Robert Lacey	Gary S. Fergus Esq. (See above)
Plaintiff	[LD ret]
Robert Treuhaft	Gary S. Fergus Esq. (See above)
Plaintiff	[LD ret]
Robert E. Treuhaft and Jessica L. Treuhaft Trust	Gary S. Fergus Esq. (See above)
Plaintiff	[ret]
Robin Vaughan	Gary S. Fergus Esq. (See above)
Plaintiff	[LD ret]

Robley Wilson Gary S. Fergus Esq. (See above)
 Plaintiff [LD ret]
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Ronald Hayman Gary S. Fergus Esq. (See above)
 Plaintiff [LD ret]

Ronald M. Schwartz Gary S. Fergus Esq. (See above)
 Plaintiff [LD ret]

Ruth Laney Gary S. Fergus Esq. (See above)
 Plaintiff [LD ret]

Tom Dunkel Gary S. Fergus Esq. (See above)
 Plaintiff-Appellee [LD ret]

Dow Jones Reuters Business Interactive, LLC
 Defendant-Appellee Henry B. Gutman Esq.
 [LD ret]
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 LEAD
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 Defendant-Appellee [LD ret]
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Mediastream, Inc. Ian C. Ballon Esq. (See above)
 Defendant-Appellee [LD ret]

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[LD ret]
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Gale Group, Inc.

James F. Rittinger Esq. (See
above)

Defendant-Appellee

[LD ret]

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Thomson Corporation

James F. Rittinger Esq. (See
above)

Defendant-Appellee

[LD ret]

West Publishing Company, Inc.

James F. Rittinger Esq. (See
above)

Defendant-Appellee

[LD ret]

Dow Jones & Company, Inc.

James L. Hallowell Esq.

Defendant-Appellee

[LD ret]
Gibson, Dunn & Crutcher

200 Park Ave.
New York , NY , 10166

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New York Times Company

Kenneth Richieri Esq.

Defendant-Appellee

[LD ret]
The New York Times Company

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212-556-1995

Copley Press, Inc.

Kristen McCallion Esq.

Defendant-Appellee

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601 Lexington Avenue, Floor 52

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New York , NY , 10002

212-641-2261

Union-Tribune Publishing
Company
Defendant-Appellee

Kristen McCallion Esq. (See
above)
[LD ret]

ProQuest Company

Matthew W Walch Esq.

Defendant-Appellee

[LD ret]
Latham & Watkins LLP

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312-876-7700

EBSCO Industries, Inc.

Michael Denniston Esq.

Defendant-Appellee

[LD ret]
Bradley, Arant, Rose & White

1819 Fifth Avenue North
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205-521-8244

American Society of
Journalists and Authors
Plaintiff-Appellee

Michael J. Boni Esq.

[ret]
Boni & Zack LLC

15 Saint Asaphs Road
Bala Cynwyd , PA , 19004

610-822-0200

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☐ LEAD
DISPOSED

Andrea Dworkin

Michael J. Boni Esq. (See above)

Plaintiff-Appellee

[ret]

Authors Guild, Inc.

Michael J. Boni Esq. (See above)

Plaintiff-Appellee

[ret]

Donald Spoto

Michael J. Boni Esq. (See above)

Plaintiff

[ret]

E. L. Doctorow	Michael J. Boni Esq. (See above)
Plaintiff-Appellee	[ret]
Gerald Posner	Michael J. Boni Esq. (See above)
Plaintiff	[ret]
James Gleick	Michael J. Boni Esq. (See above)
Plaintiff	[ret]
Jay Feldman	Michael J. Boni Esq. (See above)
Plaintiff	[ret]

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□ LEAD
DISPOSED

Letty Cottin Pogrebin	Michael J. Boni Esq. (See above)
Plaintiff	[ret]
Marie Winn	Michael J. Boni Esq. (See above)
Plaintiff-Appellee	[ret]
Mary Sherman	Michael J. Boni Esq. (See above)
Plaintiff	[ret]
Michael Castleman Inc.	Michael J. Boni Esq. (See above)
Plaintiff-Appellee	[ret]
Miriam Raftery	Michael J. Boni Esq. (See above)
Plaintiff	[ret]
National Writers Union	Michael J. Boni Esq. (See above)
Plaintiff-Appellee	[ret]

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□ LEAD
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P/K Associates, Inc.	Michael J. Boni Esq. (See above)
Plaintiff	[ret]
Paula McDonald	Michael J. Boni Esq. (See above)
Plaintiff	[ret]

Robert Lacey	Michael J. Boni Esq. (See above)
Plaintiff	[ret]
Robert Treuhaft	Michael J. Boni Esq. (See above)
Plaintiff	[ret]
Robert E. Treuhaft and Jessica L. Treuhaft Trust	Michael J. Boni Esq. (See above)
Plaintiff	[LD ret]
Robin Vaughan	Michael J. Boni Esq. (See above)
Plaintiff	[ret]
Robley Wilson	Michael J. Boni Esq. (See above)
Plaintiff	[ret]

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LEAD
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Ronald Hayman	Michael J. Boni Esq. (See above)
Plaintiff	[ret]
Ronald M. Schwartz	Michael J. Boni Esq. (See above)
Plaintiff	[ret]
Ruth Laney	Michael J. Boni Esq. (See above)
Plaintiff	[ret]
Tom Dunkel	Michael J. Boni Esq. (See above)
Plaintiff-Appellee	[ret]

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11/2/05 Copy of notice of appeal and district court
docket entries on behalf of APPELLANT
Abraham Zaleznik, Anita Bartholomew, Charles
Schwartz, Christopher Goodrich, ET. AL ,
filed. [Entry date Nov 17 2005] [JC]

11/23/05 Notice of appeal acknowledgment letter from
Jack Weiss received. [Entry date Nov 28
2005] [JC]

11/28/05 Notice of appeal acknowledgment letter from

Christopher Graham received. [Entry date
Nov 29 2005] [JC]

11/29/05 Notice of appeal acknowledgment letter from
Charles Chalmers received. [Entry date Nov
30 2005] [JC]

11/29/05 Notice of appeal acknowledgment letter from
Michael Denniston received. [Entry date
Nov 30 2005] [JC]

11/30/05 Notice of appeal acknowledgment letter from
Henry Gutman received. [Entry date Dec 2
2005] [JC]

11/30/05 APPELLANT Abraham Zaleznik, Anita
Bartholomew, Charles Schwartz, Christopher
Goodrich, ET AL , Form C filed, with proof
of service. [Entry date Jan 6 2006]
[JC]

11/30/05 APPELLANT Abraham Zaleznik, Anita
Bartholomew, Charles Schwartz, Christopher
Goodrich, ET AL , Form D filed, with proof
of service. [Entry date Jan 6 2006]
[JC]

12/1/05 Notice of appeal acknowledgment letter from
James Rittinger received. [Entry date Dec
2 2005] [JC]

12/1/05 Notice of appeal acknowledgment letter from
Raymond Castello received. [Entry date Dec
2 2005] [JC]

12/2/05 Notice of appeal acknowledgment letter from
Charles Sims received. [Entry date Dec 6
2005] [JC]

12/6/05 Notice of appeal acknowledgment letter from
Kenneth Richieri received. [Entry date Dec

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7 2005] [JC]

12/8/05 Notice of appeal acknowledgment letter from
Ian Ballon received. [Entry date Dec 15
2005] [NG]

12/8/05 Notice of appeal acknowledgment letter from
Michael Boni received. [Entry date Dec 15
2005] [NG]

12/23/05 Order dismissing the appeal for failure to
file Forms C and D pursuant to CAMP filed.

[Entry date Dec 23 2005] [JC]

12/23/05 Notice to counsel in re: Default Order filed
12/23/05. [Entry date Dec 23 2005] [JC]

12/23/05 Certified copy of order dated 12/23/05
disposing of the appeal issued to district
court. [Entry date Dec 23 2005] [JC]

12/27/05 Copy of district court pleadings from
APPELLANT Abraham Zaleznik, Anita
Bartholomew, Charles Schwartz, Christopher
Goodrich, ET AL , received. [Entry date
Dec 29 2005] [JC]

1/6/06 Letter sent to district court recalling
mandate. [Entry date Jan 6 2006] [JC]

2/14/06 Scheduling order #1 filed. Record on appeal
due 3/13/2006. Appellants brief due
3/20/2006. Appellees brief due 4/19/2006.
Ready week 5/30/2006. [Entry date Feb 15
2006] [JC]

2/14/06 Pre-Argument Notice and Order from Frank J.
Scardilli, Filed. Scheduled For: February
27, 2006 at 2:30pm. [Entry date Feb 15
2006] [JC]

2/16/06 APPELLEE Copley Press, Inc., Union-Tribune
Publishing Company, disclosure letter
pursuant to FRAP Rule 26.1 RECEIVED.
(copy sent to Calendar) [Entry date Feb 17
2006] [JC]

2/16/06 Appellee Michael Castleman Inc., Appellee
E. Doctorow, Appellee Tom Dunkel, et al
motion dismiss the appeal filed with proof
of service. [Entry date Feb 17 2006]
[JC]

2/27/06 Letter received from Brian M. Clark, dated
2/27/06, confirming that appellants have
until 3/3/06 to file a response to appellees
motion. [Entry date Mar 1 2006] [JC]

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2/28/06 CORRECTED Scheduling order #1 filed. Record
on appeal due 3/28/2006. Appellants brief
due 4/4/2006. Appellees brief due 5/4/2006.
Ready week 6/19/2006. (VK) [Entry date
Mar 1 2006] [JC]

3/2/06 Appellee Michael Castleman Inc., Appellee
E. Doctorow, Appellee Tom Dunkel, et al

motion allow to join in appellees motion to dismiss appeal and consolidate appeals filed with proof of service. [Entry date Mar 6 2006] [JC]

3/3/06 Edward Roeder opposition to motion dismiss the appeal filed with proof of service. [Entry date Mar 6 2006] [JC]

3/7/06 Appellant Irvin Muchnick, Appellant Abraham Zaleznik, Appellant Charles Schwartz, et al motion leave to file oversized brief filed with proof of service. [Entry date Mar 8 2006] [JC]

3/10/06 Notice to counsel: Motion to dismiss the appeal for lack of standing has been placed on the Court's Substantive Motions Calendar for Tuesday, April 18, 2006, Rm.1705, **ON SUBMISSION**. Any opposing papers to Calendar Team ASAP. [Entry date Mar 10 2006] [AG]

3/15/06 Notice to counsel: Motion to dismiss the appeal for lack of standing has been REMOVED from the Court's Substantive Motions Calendar for Tuesday, April 18, 2006. [Entry date Mar 15 2006] [AG]

3/15/06 Notice of appeal acknowledgment letter from Gary Fergus received. [Entry date Mar 16 2006] [JC]

3/16/06 Notice of appeal acknowledgment letter from Diane Rice received. [Entry date Mar 17 2006] [JC]

3/17/06 Notice of appeal acknowledgment letter from A. DeBartolomeo received. [Entry date Mar 20 2006] [JC]

3/22/06 Record on appeal index in lieu of record filed. [Entry date Mar 23 2006] [JC]

3/28/06 Record on appeal filed. (Original papers of district court.) Volume(s) (6). [Entry date Mar 28 2006] [VM]

3/30/06 1st Supplemental record on appeal filed. Volume(s) (1). [Entry date Mar 30 2006]

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[VM]

4/4/06 Notice of appearance form on behalf of

- Christopher Graham , Esq., filed. (Orig in
acco, copy to Calendar) [Entry date Apr 6
2006] [JC]
- 4/4/06 Notice of appearance form on behalf of Brian
E. Spears, Esq., filed. (Orig in acco, copy
to Calendar) [Entry date Apr 6 2006]
[JC]
- 4/4/06 Anti-Virus Certificate on behalf of American
Society of Journalists and Authors,
Authors Guild, Inc., Michael Castleman Inc.,
National Writers Union, ET AL , Brief,
Received. [Entry date Oct 31 2006] [JC]
- 4/4/06 Order FILED DENYING motion leave to file
oversized brief by Appellant Irvin Muchnick,
Appellant Abraham Zaleznik, Appellant
Charles Schwartz, Appellant Jack Sands,
Appellant Todd Pitock, Appellant Judith
Stacey, Appellant Judith Trotsky, Appellant
Christopher Goodrich, Appellant Kathy
Glicken, Appellant Anita Bartholomew,
endorsed on motion dated 3/7/2006 [Entry
date Apr 5 2006] [JC]
- 4/5/06 Notice to counsel in re: Motion order filed
4/4/06. [Entry date Apr 5 2006] [JC]
- 4/10/06 APPELLANT Abraham Zaleznik, Anita
Bartholomew, Charles Schwartz, Christopher
Goodrich, ET AL , brief and joint appendix
received. [Entry date May 2 2006] [JC]
- 4/10/06 APPELLANT Abraham Zaleznik, Anita
Bartholomew, Charles Schwartz, Christopher
Goodrich, ET AL , brief FILED with proof of
service. [Entry date Jun 22 2006] [JC]
- 4/10/06 APPELLANT Abraham Zaleznik, Anita
Bartholomew, Charles Schwartz, Christopher
Goodrich, ET AL , joint appendix filed
w/pfs. 3vols. [Entry date Jun 22 2006]
[JC]
- 4/10/06 Appellant Irvin Muchnick, Appellant
Abraham Zaleznik, Appellant Charles
Schwartz, et al motion file late brief filed
with proof of service. [Entry date Apr 11
2006] [JC]
- 4/12/06 Notice to counsel in re: Motion order filed
4/12/06. [Entry date Apr 13 2006] [JC]
- 4/12/06 Order FILED GRANTING motion file late by
Appellant Irvin Muchnick, Appellant
Abraham Zaleznik, Appellant Charles
Schwartz, Appellant Jack Sands, Appellant

□

LEAD

DISPOSED

Todd Pitock, Appellant Judith Stacey,
Appellant Judith Trotsky, Appellant
Christopher Goodrich, Appellant Kathy
Glicken, Appellant Anita Bartholomew,
endorsed on motion dated 4/10/2006.
Appellees brief shall be filed on or before
5/15/06. Argument may be as early as week of
June 26, 2006 [Entry date Apr 13 2006]
[JC]

- 4/13/06 Order filed stating: IT IS HEREBY ORDERED
that the appeals in docket nos. 05-5943-cv
and 06-0223-cv are consolidated
administratively for all purposes. (TWY)
[Entry date Apr 13 2006] [JC]
- 4/13/06 Notice to counsel in re: Order filed 4/13/06.
[Entry date Apr 13 2006] [JC]
- 4/25/06 Notice to counsel: Motion to dismiss the
appeal has been placed on the Courts
substantive motions calendar for Tuesday,
May 16, 2006, B Panel, Rm.1505, **ON
SUBMISSION**. Any opposing papers to
Calendar Team ASAP. [Entry date Apr 25
2006] [AG]
- 5/2/06 APPELLANT Abraham Zaleznik, Anita
Bartholomew, Charles Schwartz, Christopher
Goodrich, ET AL , defective brief filed.
Notice sent to party to correct by 5/11/06.
[Entry date May 2 2006] [JC]
- 5/9/06 Scheduling order #2 filed. Appellants brief
due 6/12/2006. Appellees brief due
7/12/2006. Ready week 8/21/2006. (LG)
[Entry date May 10 2006] [JC]
- 5/17/06 Order filed stating: Defendants-Appellees
move to dismiss the appeal filed under
docket number 06-0223 for lack of standing.
Upon due consideration, it is ORDERED that
the appeal in docket number 06-0223 is
DISMISSED, as Appellant lacks standing to
appeal an order approving a settlement
agreement from which he elected to opt out.
See Zupnick v. Fogel, 989 F.2d 93(2d Cir.
1993) (explaining that a "nonsettling[party
in a class action suit] lacks standing to
object to a court order approving" a class
action settlement); see also Agretti v. ANR
Freight System, Inc., 982 F.2d 242, 247 (7th
Cir 1992) ("Mere allegations of injury in
fact or tactical disadvantage as a result of
a settlement simply do not rise to the level

of plain legal predjudice [required for a non-settling party to appeal a settlement agreement]."). The appeal in docket number 05-5943 shall proceed in the normal course.
(RCW) [Entry date May 17 2006] [JC]

5/17/06 Notice to counsel in re: Order filed 5/17/06.
[Entry date May 17 2006] [JC]

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DISPOSED

5/17/06 Order FILED GRANTING motion dismiss the appeal by Appellee Michael Castleman Inc., Appellee E. Doctorow, Appellee Tom Dunkel, Appellee Andrea Dworkin, Appellee Jay Feldman, Appellee James Gleick, Appellee Ronald Hayman, Appellee Robert Lacey, Appellee Ruth Laney, Appellee Paula McDonald, Appellee P/K Associates, Inc., Appellee Letty Pogrebin, Appellee Gerald Posner, Appellee Miriam Raftery, Appellee Ronald Schwartz, Appellee Mary Sherman, Appellee Donald Spoto, Appellee Robert Treuhaft, Appellee Robert E. Treuhaft and Jessica L. Treuhaft Trust, Appellee Robin Vaughan, Appellee Robley Wilson, Appellee Marie Winn, Appellee National Writers Union, Appellee Authors Guild, Inc., Appellee American Society of Journalists and Authors, endorsed on motion dated 4/10/2006. See order filed 5/17/06 [Entry date May 17 2006] [JC]

5/17/06 Appellant Irvin Muchnick, Appellant Abraham Zaleznik, Appellant Charles Schwartz, et al motion extended time to file a combined reply brief with a 14,000 word limit filed with proof of service. [Entry date May 18 2006] [JC]

5/19/06 Appellees memorandum in opposition to motion extended time filed with proof of service. [Entry date May 19 2006] [JC]

5/22/06 Order FILED GRANTING motion extended time by Appellant Irvin Muchnick, Appellant Abraham Zaleznik, Appellant Charles Schwartz, Appellant Jack Sands, Appellant Todd Pitock, Appellant Judith Stacey, Appellant Judith Trotsky, Appellant Christopher Goodrich, Appellant Kathy Glicker, Appellant Anita Bartholomew, endorsed on motion dated 5/17/2006 [Entry date May 24 2006] [JC]

5/23/06 Plaintiff-Appellees joinder in opposition to

motion extended time filed with proof of service. [Entry date May 24 2006] [JC]

5/24/06 Notice to counsel in re: Motion order filed 5/22/06. [Entry date May 24 2006] [JC]

5/24/06 The CAPTION PAGE for this appeal has been AMENDED. [Entry date May 24 2006] [JC]

5/25/06 Defendant-Appellees brief filed with proof of service. [Entry date Jun 22 2006] [JC]

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5/25/06 Anti-Virus Certificate on behalf of appellees Brief, Received. [Entry date Jun 22 2006] [JC]

5/26/06 Letter received from Charles S. Sims, dated 5/26/06, requesting specific argument dates. [Entry date Jun 8 2006] [JC]

5/26/06 Plaintiffs-Appellees brief filed with proof of service. [Entry date Jun 22 2006] [JC]

5/26/06 Anti-Virus Certificate on behalf of Appellees Brief, Received. [Entry date Jun 22 2006] [JC]

5/31/06 Letter received from Charles D. Chalmers, dated 5/31/06, informing the court of unavailable argument dates. (cc: CAL) [Entry date Jun 7 2006] [JC]

6/16/06 APPELLANT Abraham Zaleznik, Anita Bartholomew, Charles Schwartz, Christopher Goodrich, ET AL , defective document cured. Note: caption submitted [Entry date Jun 22 2006] [JC]

6/16/06 APPELLANT Abraham Zaleznik, Anita Bartholomew, Charles Schwartz, Christopher Goodrich, ET AL , reply brief filed with proof of service. [Entry date Jun 22 2006] [JC]

7/7/06 Defendants-Appellees corrected brief filed with proof of service. [Entry date Jul 27 2006] [JC]

7/7/06 Anti-Virus Certificate on behalf of appellees Brief, Received. [Entry date Jul 27 2006] [JC]

- 7/7/06 Letter dated 07/06/2006, from Charles S. Sims on behalf of Defendant-Appellees, received. [Entry date Nov 30 2010] [HT]
- 7/10/06 Plaintiffs-Appellees corrected brief filed with proof of service. [Entry date Jul 27 2006] [JC]
- 7/11/06 Letter received from Charles D. Chalmers, dated 7/10/06, objecting to the filing of the "corrected brief" by appellees. [Entry date Jul 20 2006] [JC]
- 7/12/06 Letter received by Charles S. Sims, dated 7/11/06, requesting that the court permit appellees to file corrected briefs. [Entry

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date Jul 20 2006] [JC]

- 7/13/06 Letter received from Charles Chalmers, dated 7/13/06, in re: corrected briefs filed by appellees. [Entry date Jul 20 2006] [JC]
- 7/17/06 Letter received from Charles Sims, dated 7/17/06, requesting that the appellees corrected brief be filed. [Entry date Jul 20 2006] [JC]
- 7/20/06 Letter received from Charles D. Chalmers, dated 7/19/06, in re: appellees corrected briefs. [Entry date Jul 21 2006] [JC]
- 8/2/06 APPELLANT Abraham Zaleznik, Anita Bartholomew, Charles Schwartz, Christopher Goodrich, ET AL , defective motion filed. Notice sent to party to correct by 8/14/06. (missing T-1080 form) [Entry date Aug 3 2006] [JC]
- 8/2/06 Appellant Irvin Muchnick, Appellant Abraham Zaleznik, Appellant Charles Schwartz, et al motion strike document filed with proof of service. [Entry date Aug 10 2006] [JC]
- 8/9/06 APPELLANT Abraham Zaleznik, Anita Bartholomew, Charles Schwartz, Christopher Goodrich, ET AL , defective document cured. Note: Correct T-1080 form submitted. [Entry date Aug 10 2006] [JC]
- 8/14/06 Declaration of Charles S. Sims in opposition to motion strike document filed with proof of service. [Entry date Aug 15 2006]

[JC]

8/14/06 Joint opposition of all appellees to motion strike document filed with proof of service. [Entry date Aug 18 2006] [JC]

8/16/06 Notice to counsel in re: motion order filed 8/16/06. [Entry date Aug 16 2006] [JC]

8/16/06 Appellants reply in support of the motion strike document, strike document filed with proof of service. [Entry date Aug 18 2006] [JC]

8/16/06 Order FILED REFERRING motion strike document by Appellant Irvin Muchnick, Appellant Abraham Zaleznik, Appellant Charles Schwartz, Appellant Jack Sands, Appellant Todd Pitock, Appellant Judith Stacey, Appellant Judith Trotsky, Appellant Christopher Goodrich, Appellant Kathy Glicken, Appellant Anita Bartholomew, to merits panel endorsed on motion dated 8/2/2006 [Entry date Aug 16 2006] [JC]

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8/31/06 Proposed for argument the week of 11/20/06. [Entry date Aug 31 2006] [JC]

9/6/06 Letter received from Diane S. Rice, dated 9/6/06, informing the court of unavailable argument dates. (copy sent to Calendar) [Entry date Sep 7 2006] [JC]

9/7/06 Letter received from Charles D. Chalmers, dated 9/7/06, informing the court of available argument dates. (Copy sent to Calendar) [Entry date Sep 8 2006] [JC]

9/8/06 **ORIGINAL**Argument as early as week of 8/21/06. [Entry date Sep 8 2006] [AV]

9/12/06 Proposed for argument the week of 12/4/06. [Entry date Sep 12 2006] [JC]

10/12/06 Letter received from Charles D. Chalmers, dated 10/12/06, informing the court of unavailable argument dates. (copy sent to Calendar) [Entry date Oct 13 2006] [JC]

10/19/06 Letter received from Michael J. Boni, dated 10/19/06, informing the court of unavailable argument dates. [Entry date Oct 23 2006] [JC]

10/24/06 **ORIGINAL**Argument as early as week of
8/21/06. [Entry date Oct 24 2006] [AV]

10/26/06 Letter received from Charles S. Sims, dated
10/26/06, informing the court of unavailable
argument dates. (copy sent to Calendar)
[Entry date Oct 27 2006] [JC]

11/6/06 Proposed for argument the week of 1/29/07.
[Entry date Nov 6 2006] [AV]

11/29/06 **ORIGINAL**Argument as early as week of
8/21/06. [Entry date Nov 29 2006] [AV]

12/13/06 Proposed for argument the week of
03/05/07-A [Entry date Dec 13 2006] [CA]

12/29/06 Set for argument on 3/7/07 A Panel.
[Entry date Dec 29 2006] [AV]

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1/9/07 Calendar argument notice mailed to
attorneys/parties. [Entry date Jan 9 2007
] [RD]

1/31/07 Order filed stating "It is hereby ORDERED
that on or before February 16 2007, counsel
for appellants and appellees shall file with
the Clerk of Court their respective letter
briefs, not to exceed ten (10) pages,
addressing the issue of whether the District
Court had subject matter jurisdiction over
claims concerning the infringement of
unregistered copyrights. See 17 U.S.C. §
411(a); Well-Made Toy Mfg. Corp v. Goffa
Int`l Corp., 354 F.3d 112, 115 (2d Cir.
2003) ("This registration requirement is
jurisdictional."); see also generally Exxon
Mobile Corp. v. Allapattah Servs., Inc., 545
U.S. 546 (2005); Amchem Prods. v. Windsor,
521 U.S. 591, 612-13 (1997). FOR THE COURT:
Thomas Asreeb, Acting Clerk. [Entry date
Jan 31 2007] [PC]

1/31/07 Notice to counsel. Order phone/faxed/mailed
to counsel. Faxed and emailed to Panel.
Original to CV; copy fax/mail to Calendar.
[Entry date Jan 31 2007] [PC]

2/12/07 APPELLEE Participating Publisher Tribune
Company, Reed Elsevier Inc., LETTER BRIEF
filed with proof of service. [Entry date
Feb 14 2007] [JC]

2/16/07 Letter received from Michael J. Boni, dated

2/15/07, informing the court that the appellants join in on appellees letter filed 2/12/07. (copy sent to Calendar) [Entry date Feb 20 2007] [JC]

2/16/07 APPELLANT Abraham Zaleznik, Anita Bartholomew, Charles Schwartz, Christopher Goodrich, ET AL , LETTER BRIEF filed with proof of service. [Entry date Feb 20 2007] [JC]

2/21/07 APPELLANT Abraham Zaleznik, Anita Bartholomew, Charles Schwartz, Christopher Goodrich, ET AL , 28(J) letter received. [Entry date Feb 21 2007] [JC]

2/27/07 Letter received from Michael J. Boni, dated 2/26/07, in response to appellants 28(j) letter dated 2/19/07. [Entry date Feb 27 2007] [JC]

2/28/07 Order FILED DENYING motion strike document by Appellant Irvin Muchnick, Appellant Abraham Zaleznik, Appellant Charles Schwartz, Appellant Jack Sands, Appellant Todd Pitock, Appellant Judith Stacey, Appellant Judith Trotsky, Appellant Christopher Goodrich, Appellant Kathy Glicken, Appellant Anita Bartholomew, endorsed on motion dated 8/2/2006 [Entry date Mar 1 2007] [JC]

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3/1/07 Notice to counsel re:Order dated 2/28/07. [Entry date Mar 1 2007] [JC]

3/7/07 Case heard before WINTER, WALKER, STRAUB, C. JJ
CD DATE: 3/07/07 [Entry date Mar 7 2007] [RD]

3/12/07 Letter received from Joshua W. Ruthizer requesting tape of the oral argument. Fee Paid. Forwarded to Calendar. Receipt # 187130. [Entry date Mar 13 2007] [SH]

3/16/07 Letter received from Charles Chalmers requesting oral argument tape, fee paid, receipt # 187211, forwarded to calendar. [Entry date Mar 16 2007] [NS]

3/25/07 Oral argument tape mailed to Charles Chalmers. [Entry date Mar 25 2007] [RD]

3/25/07 Oral argument tape mailed to Joshua Ruthizer.

[Entry date Mar 25 2007] [RD]

- 4/10/07 Oral argument tape mailed to Christopher Lick. [Entry date Apr 12 2007] [RD]
- 4/13/07 Letter received from Joshua D. Snyder, dated 4/9/07, informing the court he has changed law firms. [Entry date Apr 16 2007] [JC]
- 5/17/07 APPELLEE Participating Publisher Tribune Company, Reed Elsevier Inc., 28(J) letter received. [Entry date May 21 2007] [JC]
- 6/1/07 Letter received requesting oral argument tape, fee paid, receipt # 188193, forwarded to calendar. [Entry date Jun 1 2007] [NS]
- 6/5/07 Oral argument tape mailed to Julie Selby. [Entry date Jun 29 2007] [RD]
- 11/29/07 Judgment of the district court is VACATED and REMANDED by published signed opinion filed (CJS). [Entry date Nov 29 2007] [EM]
- 11/29/07 Judge Walker dissents in a separate opinion, filed. [Entry date Nov 29 2007] [EM]

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- 11/29/07 Non-dispositive opinion filed, discussing the panel`s decision not to discontinue participation in this case. [Entry date Nov 29 2007] [EM]
- 11/29/07 Notice to counsel re: opinion, dissenting opinion, and non-dispositive opinion filed 11/29/07. [Entry date Nov 29 2007] [EM]
- 11/29/07 Judgment filed. [Entry date Nov 29 2007] [EM]
- 12/4/07 Appellee Union-Tribune Publishing Company, Appellee Copley Press, Inc., Appellee Thomson Corporation, et al motion extending time limit in fed. r. app. p. 35 & 40 by 3 weeks to and including 1/4/08 for the filing of a petition for panel rehearing and suggestion for rehearing in banc, filed with proof of service. [Entry date Dec 6 2007] [KR]
- 12/7/07 Notice of appearance form on behalf of James Hallowell , filed. (Orig in acco, copy to Calendar and Admissions Dept.). [Entry

date Dec 7 2007] [LY]

- 12/11/07 Notice to counsel in re: Order FILED
12/11/07 GRANTING motion for extended time
to file petition for rehearing. [Entry
date Dec 11 2007] [KR]
- 12/11/07 Order FILED GRANTING motion for extended
time to file petition for rehearing or
rehearing en banc until 1/4/08 by Appellee
ProQuest Company, et al., endorsed on motion
dated 12/4/2007. (Before: RKW, JMW, CJS, C.
JJ., by JF) [Entry date Dec 11 2007]
[KR]
- 12/17/07 Note: The OPINION PRICE is \$4.40 [Entry
date Dec 17 2007] [KB]
- 1/4/08 Appellee Reed Elsevier Inc.,, Appellee
Participating Publisher Tribune Company,
Appellee New York Times Company, et al
Petition for rehearing and petition for
rehearing en banc filed with proof of
service. [Entry date Jan 9 2008] [AM]
- 1/4/08 Appellee Michael Castleman Inc., Appellee
E. Doctorow, Appellee Tom Dunkel, et al
Petition for rehearing and petition for
rehearing en banc filed with proof of
service. [Entry date Jan 9 2008] [AM]
- 1/4/08 Appellant Irvin Muchnick, Appellant
Abraham Zaleznik, Appellant Charles
Schwartz, et al Petition for rehearing filed
with proof of service. [Entry date Jan 9
2008] [AM]

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- 1/8/08 APPELLANT Abraham Zaleznik, Anita
Bartholomew, Charles Schwartz, Christopher
Goodrich, ET AL , 28(J) letter received.
[Entry date Jan 9 2008] [KR]
- 1/9/08 Letter dated 1/9/08 submitted by Charles S.
Sims indicating a factual error within non
dispositive opinion, received. [Entry date
Jan 10 2008] [KR]
- 1/25/08 Appellant Irvin Muchnick, Appellant
Abraham Zaleznik, Appellant Charles
Schwartz, et al motion to strike statements
in plaintiffs-appellee`s petition for panel
rehearing and suggestion for rehearing En
Banc filed with proof of service. [Entry
date Jan 28 2008] [KR]

- 1/31/08 Errata sheet re: filed. [Entry date Feb 1 2008] [TM]
- 2/1/08 Notice to counsel re: Errata Sheet filed on 1-31-08. [Entry date Feb 1 2008] [TM]
- 2/4/08 Appellee Michael Castleman Inc., Appellee E. Doctorow, Appellee Tom Dunkel et al opposition statement to objectors-appellant`s motion to strike statements in petition for panel rehearing & suggestion for rehearing in in banc filed with proof of service. [Entry date Feb 4 2008] [KR]
- 2/6/08 Errata sheet re: filed. [Entry date Feb 6 2008] [TM]
- 2/6/08 Notice to counsel re: Errata Sheet filed on 2-06-08. [Entry date Feb 6 2008] [TM]
- 2/27/08 Notice to counsel in re: Motion order filed 2/27/08. [Entry date Feb 27 2008] [KR]
- 2/27/08 Order FILED DENYING motion strike document by Appellee Michael Castleman Inc., Appellee E. Doctorow, Appellee Tom Dunkel, Appellee Andrea Dworkin, Appellee Marie Winn, Appellee National Writers Union, Appellee Authors Guild, Inc., Appellee American Society of Journalists and Authors, endorsed on motion dated 1/25/2008. IT IS HEREBY ORDERED that the motion to have statements in appellee Castleman et al.`s petition for panel rehearing and suggestion for rehearing en banc as outside the record is DENIED, without prejudice to the court`s

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disregarding the information. Before: Hon. Ralph K. Winter, Hon. John M. Walker, Hon. Chester J. Straub, Circuit Judges. For the court by, Joy Fallek, Administrative Attorney. [Entry date Feb 27 2008] [KR]

- 3/18/08 Record on appeal RETURNED to lower court (6 vols.) SDNY (500 Pearl Street). [Entry date Mar 18 2008] [RL]
- 3/18/08 1st Supplemental record on appeal returned to lower court (1 vol.). SDNY (500 Pearl Street) [Entry date Mar 18 2008] [RL]

3/24/08 Notice to counsel in re: Order filed 3/24/08
DENYING Petition for rehearing. [Entry
date Mar 24 2008] [AM]

3/24/08 Order FILED DENYING Petition for rehearing
by Appellant Irvin Muchnick, et al.,
endorsed on petition dated 1/25/2008. (FP)
[Entry date Mar 24 2008] [AM]

4/15/08 Order FILED DENYING Petition for rehearing
by Appellee Reed Elsevier Inc. et al.,
endorsed on petition dated 1/25/2008, Order
FILED DENYING petition for rehearing en
banc by Appellee Reed Elsevier Inc. et al.,
endorsed on petition dated 1/25/2008. (FP)
[Entry date Apr 16 2008] [AM]

4/15/08 Order FILED DENYING Petition for rehearing
by Appellee Michael Castleman Inc. et al.,
endorsed on petition dated 1/25/2008, Order
FILED DENYING petition for rehearing en banc
by Appellee Michael Castleman Inc. et al.,
endorsed on motion dated 1/25/2008. (FP)
[Entry date Apr 16 2008] [AM]

4/28/08 Judgment MANDATE ISSUED. [Entry date Apr
28 2008] [EM]

6/17/08 Notice from Supreme Court granting P/K
Associates, Inc., Robert E. Treuhaft and
Jessica L. Treuhaft Trust, Donald Spoto,
Gerald Posner, ET AL; APPELLEE American
Society of Journalists and Authors,
Authors Guild, Inc., Michael Castleman Inc.,
ET AL , extension of time until August 13,
2008 in which to file a writ of certiorari.
[Entry date Jun 23 2008] [YS]

7/29/08 Notice of filing petition for APPELLEE
Participating Publisher Tribune Company,
Reed Elsevier Inc., dated 07/22/08 filed and
placed on the docket 07/24/08. Supreme
Court #: 08-103. [Entry date Jul 30 2008
] [ML]

3/11/09 Letter dated 03/02/2009 from the Supreme
Court advising of order GRANTING petition

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for writ of certiorari by APPELLEE
Participating Publisher Tribune Company,
Reed Elsevier Inc., filed. (Supreme Court #
08-103) [Entry date Mar 13 2009] [ML]

3/11/09 Writ of Certiorari GRANTED. [Entry date

Mar 13 2009] [ML]

7/23/09 Letter dated 07/21/2009 received from the Supreme Court of the United States, William K. Suter, Clerk, in re: pursuant to rule 12.7, request to certify and transmit immediately the entire record. [Entry date Jul 24 2009] [ML]

7/27/09 Acco file to Supreme Court. [Entry date Jul 27 2009] [ML]

8/3/09 Letter dated 08/03/2009 received from Kenneth A. Richieri, Esq., in re: address change. [Entry date Aug 3 2009] [ML]

8/3/09 Request for address change for Kenneth A. Richieri, Esq. [Entry date Aug 3 2009] [ML]

8/13/09 Receipt of certified proceeding of USCA to Supreme Court Received. [Entry date Aug 13 2009] [ML]

8/25/09 ORDER FILED recalling mandate "A mandate having issued on April 28, 2008 in the above captioned matter, and a petition for a writ of certiorari having been filed in the United States Supreme Court on July 22, 2008, and writ of certiorari having been GRANTED on March 2, 2009, IT IS HEREBY ORDERED that the mandate in this case is recalled, restoring jurisdiction to this Court." (ML) [Entry date Aug 25 2009] [ML]

8/25/09 Letter sent to district court recalling mandate. [Entry date Aug 25 2009] [ML]

8/25/09 Notice to counsel in re: Order filed 08/25/2009. [Entry date Aug 25 2009] [ML]

8/25/09 Certified copy of the order, 08/25/2009 issued to the district court, [informational only]. [Entry date Aug 25 2009] [ML]

3/5/10 U.S. SUPREME COURT LETTER, dated 03/02/2010, enclosing opinion, filed. Supreme Court #: 08-103. [Entry date Mar 8 2010] [ML]

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3/5/10 U.S. SUPREME COURT, opinion, FILED. [Entry date Mar 8 2010] [ML]

3/24/10 Notice to counsel in re: Order filed

03/24/2010. [Entry date Mar 24 2010]
[ML]

3/24/10 ORDER, denying motion to join in the motion
of Appellee to dismiss and motion to
consolidate, by JF, FILED. [Entry date Mar
24 2010] [ML]

4/6/10 Appellee Michael Castleman Inc., Appellee
E. Doctorow, Appellee Tom Dunkel, et al
motion stay filed with proof of service.
[Entry date Apr 8 2010] [HT]

4/7/10 Supreme Court judgment filed. [Entry date
Apr 7 2010] [HT]

4/7/10 The new case manager assigned to this case
is: Toft, Hezekiah. [Entry date Apr 7
2010] [HT]

4/13/10 STAY flag: per MOTION ORDER, filed
04/13/2010. [Entry date Apr 13 2010]
[HT]

4/13/10 NOTICE SENT to counsel in re: MOTION ORDER,
filed 04/13/201. [Entry date Apr 13 2010
] [HT]

4/13/10 CERTIFIED COPY, of the order dated
04/13/2010, to the district court,
TRANSMITTED. [Entry date Apr 13 2010]
[HT]

4/13/10 ORDER, granting Appellee Michael Castleman
Inc., Appellee E. Doctorow, Appellee Tom
Dunkel`s motion to stay proceedings in this
court for 30 days, by CJS, FILED. [Entry
date Apr 13 2010] [HT]

5/11/10 LETTER, dated 05/11/2010, on behalf of
Appellee Reed Esevier Inc., & Participation
Publisher Tribune Company, RECEIVED.
[Entry date May 12 2010] [HT]

5/11/10 LETTER, dated 05/07/2010, from the Clerk of
the Supreme Court of the United States,
RECEIVED. [Entry date May 14 2010] [HT]

5/12/10 MOTION, on behalf of, APPELLANT Abraham
Zaleznik, Anita Bartholomew, Charles
Schwartz, Christopher Goodrich, ET AL ,

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RECEIVED. [Entry date May 13 2010] [HT]

5/12/10 STAY Flag Cleared pursuant to letter dated 05/11/2010. [Entry date May 25 2010] [HT]

5/12/10 MOTION, on behalf of, Appellant Irvin Muchnick, Appellant Abraham Zaleznik, Appellant Charles Schwartz, to file a supplemental brief, FILED. [Entry date May 19 2010] [HT]

5/13/10 DEFECTIVE DOCUMENT, MOTION, to file a Supplemental Brief, on behalf of, APPELLANT Abraham Zaleznik, Anita Bartholomew, Charles Schwartz, Christopher Goodrich, ET AL , FILED. party to correct by <edit mm/dd/yy>. [Entry date May 13 2010] [HT]

5/13/10 NOTICE SENT to counsel in re: DEFECTIVE DOCUMENT, filed 05/13/2010. [Entry date May 13 2010] [HT]

5/17/10 ORDER, directing counsel for Appellants and Appellees to file letter briefs, FILED. [Entry date May 17 2010] [HT]

5/17/10 NOTICE SENT to counsel in re: ORDER, filed 05/17/2010. [Entry date May 17 2010] [HT]

5/19/10 DEFECTIVE DOCUMENT, MOTION to file supplemental brief, on behalf, APPELLANT Abraham Zaleznik, Anita Bartholomew, Charles Schwartz, Christopher Goodrich, ET AL , FILED. [Entry date May 19 2010] [HT]

5/20/10 OPPOSITION, to motion to file a supplemenal brief, on behalf of, Appellant Anita Bartholomew, Appellee Authors Guild, Inc., Appellee American Society of Journalists and Authors, et al, FILED. [Entry date May 20 2010] [HT]

5/25/10 NOTICE SENT to counsel in re: MOTION ORDER, filed 05/25/2010. [Entry date May 25 2010] [HT]

5/25/10 ORDER, granting Appellant Irvin Muchnick, Appellant Abraham Zaleznik, Appellant Charles Schwartz, et al`s, motion file supplemental brief & vacating this Court`s May 17, 2010 order, FILED. [Entry date May 25 2010] [HT]

6/7/10 Undeliverable mail returned to USCA - 2d Cir. from the USPS, received. Problem: forward time has expired. [Entry date Jun 7 2010] [HT]

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- 6/8/10 LETTER BRIEF APPELLANT on behalf of, Abraham Zaleznik, Anita Bartholomew, Charles Schwartz, Christopher Goodrich, ET AL , FILED. [Entry date Jun 8 2010] [HT]
- 6/16/10 26.1 CORPORATE DISCLOSURE LETTER, on behalf of, APPELLEE Dialog Corporation, Dow Jones & Company, Inc., Gale Group, Inc., Participating Publisher Tribune Company, ET AL , RECEIVED. [Entry date Jun 18 2010] [HT]
- 6/23/10 LETTER, dated 06/23/2010, on behalf of Appellee Reed Elsevier , Inc., Paticipating Publisher Tribune Company, FILED. [Entry date Jun 24 2010] [HT]
- 6/28/10 SUPPLEMENTAL LETTER BRIEF, on behalf of Appellees P/K Associates, Inc., Robert E. Treuhaft and Jessica L. Treuhaft Trust, Donald Spoto, Gerald Posner, ET AL; APPELLEE American Society of Journalists and Authors, Authors Guild, Inc., Michael Castleman Inc., ET AL , FILED. [Entry date Jun 28 2010] [EM]
- 7/2/10 LETTER BRIEF, on behalf of, APPELLANT Abraham Zaleznik, Anita Bartholomew, Charles Schwartz, Christopher Goodrich, ET AL , FILED. [Entry date Jul 2 2010] [HT]
- 10/18/10 28(j) LETTER, dated, 10/15/2010, on behalf APPELLANT Abraham Zaleznik, Anita Bartholomew, Charles Schwartz, Christopher Goodrich, ET AL , RECEIVED. [Entry date Oct 18 2010] [HT]
- 10/27/10 LETTER, dated 10/20/2010, on behalf of, Appellee Michael Castleman, Inc., et al, RECEIVED. [Entry date Oct 27 2010] [HT]
- 1/11/11 LETTER, dated 01/07/2011 on behalf of Appellee E.L. Doctorow, et al, RECIEVED. [Entry date Jan 11 2011] [HT]
- 1/11/11 LETTER, dated 01/09/2011, on behalf of Appellant Irvin Muchnick, et al., RECIEVED. [Entry date Jan 11 2011] [HT]
- 1/19/11 MOTION, on behalf of, Appellant Irvin Muchnick, Appellant Abraham Zaleznik, Appellant Charles Schwartz, et al to file a

letter brief, FILED. [Entry date Jan 19
2011] [HT]

1/20/11 LETTER, dated 01/20/2011, on behalf of
Appellees, RECEIVED. [Entry date Jan 21
2011] [HT]

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1/25/11 NOTICE SENT to counsel in re: MOTION ORDER
filed 01/25/2011. [Entry date Jan 25 2011
] [HT]

1/25/11 ORDER, granting Appellant Irvin Muchnick,
Appellant Abraham Zaleznik, Appellant
Charles Schwartz, et al`s, motion to file a
letter brief, by JMW, FILED. [Entry date
Jan 25 2011] [HT]

1/31/11 LETTER BRIEF, on behalf of, APPELLANT
Abraham Zaleznik, Anita Bartholomew,
Charles Schwartz, Christopher Goodrich, ET
AL , FILED. [Entry date Feb 1 2011]
[HT]

2/9/11 LETTER, dated, 12/07/2011, on behalf, of
Irwin Muchnick et al, RECEIVED. [Entry
date Feb 9 2011] [HT]

2/11/11 LETTER, dated 02/07/2011, on behalf of
Appellee E. L. Doctorow, et al, RECEIVED.
[Entry date Feb 14 2011] [HT]

4/5/11 28(j) LETTER, on behalf of APPELLANT
Abraham Zaleznik, Anita Bartholomew,
Charles Schwartz, Christopher Goodrich, ET
AL , RECEIVED. [Entry date Apr 5 2011]
[HT]

4/5/11 LETTER, dated 04/04/2011 on behalf of
Appellee Participation Publisher Tribune
Company, RECEIVED. [Entry date Apr 5 2011
] [HT]

8/17/11 OPINION, vacating judgment of the district
court and remanding the case for further
proceedings consistent with this order,
FILED. (RKW., JMW., CJS., Cjj) [Entry date
Aug 17 2011] [YS]

8/17/11 Judge Straub dissents in a separate opinion,
filed. [Entry date Aug 17 2011] [YS]

8/17/11 Judgment filed. [Entry date Aug 17 2011]
[YS]

- 8/17/11 The new case manager assigned to this case is: Segal, Yana. [Entry date Aug 17 2011] [YS]
- 8/17/11 Notice to counsel in re: Opinion filed on 08/17/2011 [Entry date Aug 17 2011] [YS]
- 8/17/11 Certified copy of the Opinion issued to the district court, [informational only].

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□ LEAD
DISPOSED

[Entry date Aug 17 2011] [YS]

- 8/25/11 APPELLANT Abraham Zaleznik, Anita Bartholomew, Charles Schwartz, Christopher Goodrich, ET AL , itemized and verified bill of costs received, w/pfs. [Entry date Aug 29 2011] [YS]
- 8/29/11 APPELLANT Abraham Zaleznik, Anita Bartholomew, Charles Schwartz, Christopher Goodrich, ET AL , defective Bill of Costs filed. Notice sent to party to correct by 09/12/2011. [Entry date Aug 29 2011] [YS]
- 8/31/11 PETITION FOR REHEARING AND REHEARING EN BANC on behalf of Defendant-Appellee Reed Elsevier Inc., FILED. [Entry date Sep 2 2011] [YS]
- 8/31/11 PETITION FOR REHEARING AND REHEARING EN BANC on behalf Plaintiffs-Appellees FILED. [Entry date Sep 2 2011] [YS]
- 9/2/11 ACKNOWLEDGMENT and NOTICE OF APPEARANCE FORM from Atty Kristen McCallion, on behalf of Union-Tribune Publishing Comany and Copley Press Inc., FILED. (Orig in acco, copy to Admissions Dept.). [Entry date Sep 2 2011] [YS]
- 9/12/11 ACKNOWLEDGMENT and NOTICE OF APPEARANCE FORM from Atty Matthew Walch, on behalf of ProQuest Company, Dialog LLC., FILED. (Orig in acco, copy to Admissions Dept.). [Entry date Sep 14 2011] [YS]
- 9/12/11 APPELLANT Abraham Zaleznik, Anita Bartholomew, Charles Schwartz, Christopher Goodrich, ET AL , defective document cured. Note: Revised Bill of Costs Received. [Entry date Sep 14 2011] [YS]
- 9/12/11 APPELLANT Abraham Zaleznik, Anita

Bartholomew, Charles Schwartz, Christopher Goodrich, ET AL , itemized and verified bill of costs received, w/pfs. [Entry date Sep 14 2011] [YS]

10/12/11 Errata sheet filed. [Entry date Oct 12 2011] [YS]

10/12/11 Notice to counsel in re: Errata sheet filed on 10/12/2011 [Entry date Oct 12 2011] [YS]

11/17/11 Notice to counsel in re: Order denying petition for rehearing and rehearing en banc filed on behalf of Plaintiffs-Appellees. [Entry date Nov 17 2011] [YS]

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□ LEAD
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11/17/11 Notice to counsel in re: Order filed denying petition for rehearing and rehearing en banc on behalf of Defendants-Appellees. [Entry date Nov 17 2011] [YS]

11/17/11 ORDER, denying Petition for rehearing and rehearing en banc by Appellee Michael Castleman Inc., Appellee E. Doctorow, Appellee Tom Dunkel, Appellee Andrea Dworkin, Appellee Marie Winn, Appellee National Writers Union, Appellee Authors Guild, Inc., Appellee American Society of Journalists and Authors, endorsed on motion dated 8/31/2011, FILED. [Entry date Nov 17 2011] [YS]

11/17/11 ORDER, Petition for rehearing and rehearing en banc by Appellee Reed Elsevier Inc., Appellee Participating Publisher Tribune Company, endorsed on motion dated 8/31/2011, FILED. [Entry date Nov 17 2011] [YS]

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PACER Service Center			
Transaction Receipt			
11/21/2011 12:07:27			
PACER Login:	pr0028	Client Code:	99999/036/6638
Description:	dkt report	Case Number:	05-5943
Billable	46	Cost:	3.68

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