

PACER session date: Thursday October 19, 2000 11:35:51 AM EDT  
Case docket was last updated on: 04/20/00.  
Docket as of April 20, 2000 10:10 pm

APPEAL

1:94cv589 Matthew Bender v. West Publishing Co. CLOSED  
APPEAL CLOSED

U.S. District Court Southern District of New York - Civil Database (Foley Square)  
CIVIL DOCKET FOR CASE #: 94-CV-589

Matthew Bender v. West Publishing Co. Filed:  
02/01/94  
Assigned to: Judge John S. Martin Jury demand: Plaintiff  
Referred to: Magistrate Judge Naomi R. Buchwald  
Demand: \$0,000 Nature of Suit: 820  
Lead Docket: None Jurisdiction: Federal  
Question  
Dkt# in other court: None

Cause: 17:101 Copyright Infringement

MATTHEW BENDER & COMPANY, INC. David Blasband  
plaintiff [COR LD NTC] Deutsch Klagsbrun & Blasband 800 Third Avenue New York,  
NY 10022-7604 212-758-1100  
David Nimmer [COR LD NTC] Elliot Brown [COR LD NTC] c/o DEUTSCH KLAGSBRUN &  
BLASBAND att: David Blasband  
800 Third Avenue New York, NY 10022  
(212) 758-1100

Morgan Chu [COR LD NTC] c/o DEUTSCH KLAGSBRUN & BLASBAND Att: David Blasband 800  
Third Avenue New York, NY 10022  
  
(212) 758-1100

v.

WEST PUBLISHING CO. Beth K. Neelman  
defendant [term 12/17/96]  
[COR LD NTC] Weil, Gotshal & Manges 767 Fifth Avenue New York, NY 10153

APPEAL

1:94cv589 Matthew Bender v. West Publishing Co. CLOSED  
212-310-8000  
Mark A. Fowler [COR LD NTC] Satterlee Stephens Burke etc. 230 Park Ave. New  
York, NY 10169  
(212) 818-9200  
Joseph M. Musilek  
[term 12/17/96]  
[COR LD NTC] WEIL, GOTSHAL & MANGES 767 Fifth Avenue New York, NY 10153  
(212) 310-8000  
Jeffrey L. Kessler  
[term 12/17/96]  
[COR LD NTC] WEIL, GOTSHAL & MANGES 767 Fifth Avenue New York, NY 10153  
(212) 310-8000

=====

INC. HYPERLAW Paul L. Ruskin  
intervenor-plaintiff [COR LD NTC] Law Office Paul J. Ruskin 7208 - 243rd St.  
Douglaston, NY 11363 718-631-8834

INC. HYPERLAW Paul L. Ruskin intervenor-plaintiff (See above) [COR LD NTC]  
Carl J. Hartman [COR LD NTC] 72-08 243rd Street Douglaston, NY 11363  
(718) 631-8834

<p>2/1/94 636(c); 1 COMPLAINT filed; Issued Notice pursuant to 28 U.S.C. FILING  
FEE \$ 120.00 RECEIPT # 208508 (jl) [Entry date 02/04/94]

<p>2/1/94 2 Rule 9 certificate filed by Matthew Bender (jl) [Entry date  
02/04/94] 2/1/94 It is suggested that the case be classified as Standard.  
Magistrate Judge Buchwald is so Designated. (jl) [Entry date 02/04/94]

<p>2/14/94 3 Affidavit of service as to West Publishing Co. by Tim Blank, Mgr.  
of Empl. Serv. on 2/8/94 Answer due on 2/28/94 for West Publishing Co. (sc)  
[Entry date 02/16/94]

<p>2/24/94 4 NOTICE OF MOTION by Matthew Bender for to appear pro hac vice  
of David Nimmer, Elliot Brown and Morgan Chu. to appear and participate in this  
action on behalf of the plttf. , Return date 3/7/94 (dd)

<p>3/7/94 5 STIPULATION and ORDER, reset answer due for 4/5/94 for West  
Publishing Co. ( signed by Judge Loretta A. Preska ). (mk) [Entry date 03/09/94]

<p>3/9/94 6 NOTICE OF MOTION by West Publishing Co. for Joseph M. Musilek to  
appear pro hac vice , Return date 3/28/94 (mk) [Entry date 03/10/94]

<p>3/9/94 7 AFFIDAVIT in support of Jeffrey L. Kessler by West Publishing Co.  
Re: [6-1] motion for Joseph M. Musilek to appear pro hac vice (mk) [Entry date  
03/10/94]

<p>3/9/94 8 AFFIDAVIT in support of Joseph M. Musilek by West Publishing Co. Re:  
[6-1] motion for Joseph M. Musilek to appear pro hac vice (mk) [Entry date  
03/10/94]

<p>3/9/94 9 REPORT OF PARTIES' PLANNING MEETING (mk) [Entry date 03/11/94]

<p>3/10/94 10 NOTICE OF MOTION to intervene by INC. Hyperlaw pursuant to rule 24  
with affirmation of Counsel for Hyperlaw, Inc. Paul J. Ruskin. , Return date  
3/28/94 (dd) [Entry date 03/11/94]

<p>3/10/94 11 AFFIDAVIT in support of Alan D. Sugarman by INC. Hyperlaw Re: [10-  
1] motion to intervene by INC. Hyperlaw pursuant to rule 24 with affirmation of  
Counsel for Hyperlaw, Inc. Paul J. Ruskin. (dd) [Entry date 03/11/94]

<p>3/10/94 12 MEMORANDUM by INC. Hyperlaw in support of [10-1] motion to  
intervene by INC. Hyperlaw pursuant to rule 24 with affirmation of Counsel for  
Hyperlaw, Inc. Paul J. Ruskin. (dd) [Entry date 03/11/94]

<p>3/10/94 13 Filed Memo\_Endorsement on letter dated March 3, 1994, reset pretrial conference for 4:30 3/14/94 ( signed by Judge Loretta A. Preska ) (dd) [Entry date 03/14/94]

<p>3/10/94 14 Memo endorsed on motion; by Pltff, for David Nimmer, Elliot Brown & Morgan Chu to appear pro hac vice... THE MOTION IS GRANTED... SO ORDERED, PRESKA, J. ( signed by Judge Loretta A. Preska ); Copies mailed. (mk) [Entry date 03/14/94]

<p>3/10/94 15 CERTIFICATE OF SERVICE on March 9, 1994 ...pre-paid-first class mail a copy of Hyperlaw's Notice of Motion to intervene, and Memorandum in support of its motion for intervention, The affirmation of Paul J. Ruskin Intervenor's Proposed complaint, The exhibits to intervenor's proposed complaint, and the affdvt. of Alan Sugarman, president of Hyperlaw and co. and copy of this certificate of service, by Carl J. Hartman. 111 upon Deutsch Klagsbrun & Blasband, West Publishing Co.... (dd) [Entry date 03/15/94]

<p>3/16/94 16 Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Discovery Dispute on when Dist. Judge is unavailable ( signed by Judge Loretta A. Preska ) Referred to Magistrate Judge Naomi R. Buchwald (mk) [Entry date 03/17/94]

<p>3/16/94 17 Memo endorsed on motion; granting [6-1] motion for Joseph M. Musilek to appear pro hac vice ( signed by Judge Loretta A. Preska ); Copies mailed. (mk) [Entry date 03/18/94]

<p>3/16/94 18 Initial Case Management Plan in a Standard Case: Discovery cutoff 6/30/94 Pretrial conference for 9:30 7/7/94 ( signed by Judge Loretta A. Preska ); Copies (mk) [Entry date 03/18/94]

<p>3/21/94 19 STIPULATION and ORDER granting [10-1] motion to intervene by INc. Hyperlaw pursuant to rule 24 with affirmation of Counsel for Hyperlaw, Inc. Paul J. Ruskin., the Cmplt in Intervention attchd to HyperLaw's Motiona as Exhibit A shall be entered upon the Clerk's doscket ad Permissive Intervenor-Pltff's Cmplt... ( signed by Judge Loretta A. Preska ). (mk) [Entry date 03/22/94]

<p>3/22/94 20 NOTICE by Matthew Bender to take deposition of West Publishing Co. on 5/2/94; (mk)

<p>3/22/94 21 Filed Memo\_Endorsement on letter from Jeffrey L. Kessler dated 3/17/94, In light of the above, pltff's discovery requests regarding West's past practices of selecting or arranging cases shall be limited to a five year period as mentioned in the cmplt... SO ORDERED, PRESKA, J. ( signed by Judge Loretta A. Preska ) (mk) [Entry date 03/23/94]

<p>4/5/94 22 ANSWER to Complaint by West Publishing Co. (Attorney ), ; Firm of: MB&C by attorney Jeffrey L. Kessler for defendant West Publishing Co. (mk) [Entry date 04/07/94]

<p>4/5/94 23 Case Information Statement Addendum. Purs. to statement, it is suggested that the case be classified as Expedited. (mk) [Entry date 04/07/94]

<p>4/5/94 24 Rule 9 certificate filed by West Publishing Co. (mk) [Entry date 04/07/94]

<p>4/7/94 25 ANSWER to Complaint by West Publishing Co. (Attorney Beth K. Neelman), ; Firm of: WG&M by attorney Beth K. Neelman for defendant West Publishing Co. (mk) [Entry date 04/08/94]

<p>4/15/94 26 Letter filed by Elliot Brown for Matthew Bender dated 4/8/94 re to briefly set forth Matthew Bender's views concerning disputes relating to the terms of a protective order to govern discovery of confidential information in this case & other disputed discovery matters (Dktd. & fld. per instr. of Chambers) (mk) [Entry date 04/18/94]

<p>4/15/94 27 Letter filed by Jeffrey L. Kessler for West Publishing Co. dated 4/8/94 re the following sets forth West's position concerning the various issues raised by counsel for plttf HyperLaw &, in one instance, counsel for Matthew Bender, concerning the proposed Stip & Protective Order Regarding Confidential Information (Dktd. & fld. per instr. of Chambers) (mk) [Entry date 04/18/94]

<p>4/15/94 28 Letter filed by Inc. Hyperlaw dated 4/8/94 re submits the following with regard to the specific, limited issues that the parties have agreed to place before the Court in letter form (W/attchd. Exhibits A & B (Dktd. & fld. per instr. of Chambers) (mk) [Entry date 04/18/94]

<p>4/19/94 30 STIPULATION and ORDER, for confidentiality of all documents, amateriald, items, testimony or information which contain or comprise a trade secret or other confidential technical, development, financial or commercial inform. produced or fied with the Court or produced or served either by a party or by a non-party to or for any of the parties shall be governed by this Protective Order... ( signed by Judge Loretta A. Preska ). (mk) [Entry date 04/22/94]

<p>4/20/94 29 NOTICE of attorney appearance for INc. Hyperlaw, Inc. Hyperlaw by Paul L. Ruskin (mk) [Entry date 04/22/94]

<p>5/9/94 31 Filed Memo\_Endorsement on letter from Paul J. Ruskin dated 5/2/94, Intervenor Hyper Law Inc asks that the Court relieve it from the Court's Individual Rule & PRACTICE numbered "8"... HYPER LAW IS SO RELIEVED... SO ORDERED, PRESKA, J. ( signed by Judge Loretta A. Preska ) (mk) [Entry date 05/11/94]

<p>5/23/94 32 AMENDED NOTICE by INc. Hyperlaw to take deposition of Pat Ryan & Lori Hedstrom on 4/27/94; (mk) [Entry date 05/24/94]

<p>5/27/94 33 SEALED DOCUMENT placed in vault (sp)

<p>5/27/94 34 SEALED DOCUMENT placed in vault (sp)

<p>6/8/94 35 NOTICE by INc. Hyperlaw to take deposition of Ms. Lisa Richards, on 6/30/94, at 10:00, Ms. Virginia Bedford, on 6/27/94, at 10:00 (pl) [Entry date 06/23/94]

<p>7/14/94 36 SEALED DOCUMENT placed in vault (lr)

<p>8/2/94 37 STIPULATION and ORDER, staying action between plttf Matthew Bender & Company, Inc. & deft West Publishing Company Inc. only, through 9/19/94, set discovery between Matthew Bender & West due for 10/28/94, reset Matthew's Bender's opposition to West's motion to Dismiss Matthew Bender's Cmplt filing deadline for set for 11/14/94, West's Reply to Response to Motion filing deadline set for 12/2/94 ( signed Judge Loretta A. Preska ). (mk) [Entry date 08/09/94]

<p>8/9/94 38 Defendants' Memorandum of Law by West Publishing Co. in opposition to Hyperlaw, Inc.s' motion to Compel Discovery and for Enlargement of the Discovery Period (pl) [Entry date 08/11/94]

<p>8/18/94 39 SEALED DOCUMENT placed in vault (lr)

<p>8/23/94 40 Transcript of record of proceedings filed for dates of 6/9/94 (mk)

<p>8/29/94 41 Filed Memo\_Endorsement on letter by Elliot Brown, Counsel for plaintiff shall place in the record in affidavit form its contentions as to why the motion papers here at issue should remain sealed. Papers shall be filed by 9/8/94; responses may be filed one week later...so Ordered,Preska,J...( signed by Judge Loretta A. Preska ) (pl) [Entry date 08/30/94]

<p>9/6/94 43 Filed Memo\_Endorsement on letter by Beth K. Neelman dated 8/11/94, Hyper Law's application to take Mr. Opperman's deposition is denied. Hyper Law has not made the showing required to justify the deposition of a chief executive. Hughes v General Motors Corp., 18 Fed.R.Serv. 2c 1249,1250(S.D.N.Y.1974; Mulvey v chryster Corp., 106 F.R.D. 363,366 O.R.I. 1985). In any event, his testimony on the topics indicated would be duplicative, Hyper Law's application to take Mr. Musileh's Deposition is denied because his testimony on the topics indicated would be duplicative ...So Ordered,Preska,J...( signed by Judge Loretta A. Preska ) (pl) [Entry date 09/12/94]

<p>9/8/94 42 SEALED DOCUMENT placed in vault (sp) [Entry date 09/12/94]

<p>9/12/94 44 STIPULATION and ORDER, by and between parties West hereby withdraws its Motion to Dismiss Plaintiff Matthew Bender's complaint without prejudice ..... ( signed by Judge Loretta A. Preska ). (pl) [Entry date 09/13/94]

<p>9/12/94 45 Filed Memo\_Endorsement on letter by Paul J. Ruskin, dated 8/23/94, unsealing Hyperlaw's Motion to Compel ( signed by Judge Loretta A. Preska ) (pl) [Entry date 09/15/94]

<p>9/23/94 46 Filed Memo\_Endorsement on letter by Paul J. Ruskin dated 9/16/94, Hyperlaw may file a brief of no more than 40 pages with standard margins and type sizes...So Ordered.. ( signed on 9/22/94 by Judge Loretta A. Preska ) (pl) [Entry date 09/30/94]

<p>10/18/94 47 REPLY MEMORANDUM by West Publishing Co. in support of re: Defendants' motion to dismiss Hyperlaw, Inc. complaint for Requested lack of subject matter jurisdiction; Oral Argument (pl) [Entry date 10/19/94] [Edit date 10/19/94]

<p>10/18/94 48 HyperLaw, AFFIDAVIT in support of Katherine J. Daniels by West Publishing Co. Re: Wests Publishing Company motion to dismiss the Complaint of Plaintiff-intervenor, Inc. (pl) [Entry date 10/19/94]

<p>10/18/94 49 Dismiss INTERVENOR-PLAINTIFF MEMORANDUM by INc. Hyperlaw opposition to West Publishing Company's Motion to in Hyperlaw, Inc.'s complaint for lack of subject matter jurisdiction (pl) [Entry date 10/19/94]

<p>10/18/94 50 AFFIRMATION by Paul J. Ruskin, Esq. in Support of Re: [49-1] opposition memorandum (pl) [Entry date 10/19/94]

<p>10/27/94 51 CERTIFICATE OF SERVICE of Hyperlaw's Memorandum in Opposition to Defendant West Publishing Co.'s Motion to Dismiss Hyperlaw, Inc., Complaint for Lack of Subject matter Jurisdiction to counsel for all parties. (pl) [Entry date 10/28/94]

<p>11/10/94 52 NOTICE OF MOTION by West Publishing Co. pursuant to Rule 12(b)(1) of the F.R.C.P., to dismiss the Complaint of plaintiff-intervenor HyperLaw, Inc. for failure to state a justiciable controversy pursuant to the Declaratory (pl) Judgment Act, 28 U.S.C.and... , Return date [Entry date 11/14/94] 9/13/94

<p>11/10/94 53 U.S.C.and... MEMORANDUM by West Publishing Co. in support of [52-1] motion pursuant to Rule 12(b)(1) of the F.R.C.P., to dismiss the Complaint of plaintiff-intervenor HyperLaw, Inc. for failure to state a justiciable controversy pursuant to the Declaratory Judgment Act, 28 (pl) [Entry date 11/14/94]

<p>11/10/94 54 Alan D. Sugarman Deposition Exhibits Volume I (pl) [Entry date 11/14/94]

<p>11/10/94 55 Alan D. Sugarman Deposition Exhibits Volume II (pl) [Entry date 11/14/94]

<p>11/21/94 56 SEALED DOCUMENT placed in vault (af)

<p>12/1/94 to 57 Filed Memo\_Endorsement on letter by Jeffrey L. Kessler, dated 11/15/94, If West wishes to take discovery prior its responding to Hyper Laws surreply, West shall withdraw time motion. The motion may be reinstated by letter at the shall the response to the sur-reply is filed. The response signed not exceed ten pages unless good cause is shown ( by Judge Loretta A. Preska ) (pl) [Entry date 12/07/94]

<p>12/1/94 dated 58 Filed Memo\_Endorsement on letter by Paul J. Ruskin, directed at 11/9/94, Hyperlaw requests that the Court allow it be given 5 days in which to file a 3 page. sureply that West's factual assertions. Hyperlaw further request and a the attached product be made a part of it Opposition part of the record herein...So Ordered...( signed on 11/17/94 by Judge Loretta A. Preska ) (pl) [Entry date 12/07/94]

<p>12/9/94 the 61 NOTICE OF MOTION by West Publishing Co. to maintain in Sealing of pltf Hyperlaw, Inc's Statement of Facts not Dispute. pursuant to rule 3 , none givene \*\*/\*\*/\*\* (dd) [Entry date 12/30/94]

<p>12/13/94 59 (g) RESPONSE by West Publishing Co. Re: Hyperlaw's Rule 3 Statment (pl) [Entry date 12/14/94] 12/13/94 60 Sealed Document (pl) [Entry date 12/14/94] [Edit date 02/06/97]

<p>2/2/95 62 ORDER, that Hyperlaw's motion to compel discovery, extend the discovery period and for sanctions is denied; and Hyperlaw's request to file a motion for partial summary judgment is denied without prejudice to renewal following resolution of West's motion to dismiss; and granting

<p>[61-1] motion to maintain the Sealing of pltf Hyperlaw, Inc's Statement of Facts not in Dispute., Hyperlaw's Response to motion reset to 2/28/95 for [52-1] motion pursuant to Rule 12(b)(1) of the F.R.C.P., to dismiss the Complaint of plaintiff-intervenor HyperLaw, Inc. for to state a justiciable controversy pursuant to the Declaratory Judgment Act, 28 U.S.C.and..., West's Reply to Response to Motion reset to 3/15/95 for [52-1] motion pursuant to Rule 12(b)(1) of the F.R.C.P., to dismiss the Complaint of plaintiff-intervenor HyperLaw, Inc. for failure to state a justiciable controversy pursuant to the Declaratory Judgment Act, 28 U.S.C.and... SO ORDERED: ( signed by Judge Loretta A. Preska ) (ae) [Entry date 02/03/95] [Edit date 02/03/95]

<p>2/14/95 63 NOTICE OF MOTION by INc. Hyperlaw pursuant to Civil Rule 3(j), Local Rules of SDNY, for reconsideration of Order dated..... Return date 2/28/95 (pl) [Entry date 02/15/95]

<p>2/14/95 64 MEMORANDUM by INc. Hyperlaw in support of [63-1] motion pursuant to Civil Rule 3(j), Local Rules of SDNY, for reconsideration of Order dated..... (pl) [Entry date 02/15/95]

<p>2/15/95 65 SEALED DOCUMENT placed in vault (sp)

<p>2/17/95 66 ORDER, to withdraw [52-1] motion pursuant to Rule 12(b) (1) of the F.R.C.P., to dismiss the Complaint of plaintiff-intervenor HyperLaw, Inc. for failure to state a justiciable controversy pursuant to the Declaratory Judgment Act, 28 U.S.C.and... denying [63-1] motion pursuant to Civil Rule 3(j), Local Rules of SDNY, for reconsideration of Order dated..... ( signed by Judge Loretta A. Preska ); Copies mailed (jr) [Entry date 02/22/95]

<p>3/2/95 --Memo endorsed on memorandum in support of Hyperlaw's motion for reconsideration and reargument; Matters raised herein were resolved in the February 9, 1995 telephone conference with counsel and the February 16, 1995 order ( signed by Judge Loretta A. Preska ); Copies mailed. (jr) [Entry date 03/06/95]

<p>3/9/95 67 Filed Memo\_Endorsement on letter by Paul J. Ruskin to Judge Preka dated 3/2/95, having considered both sides' multiple submissions on this topic, HyperLaw's Rule 3(g) statement shall remain sealed with the exception of exhibits 1 and 13. SO ORDERED: ( signed by Judge Loretta A. Preska ) (ae) [Entry date 03/13/95]

<p>3/9/95 68 Filed Memo\_Endorsement on letter by Paul J. Ruskin to Judge Preska dated 3/7/95, To the extent not already produced, HyerLaw shall produce documents and respond to deposition inquiries concerning the dates, number of units and dollar volume of the new releases referred to in Ms. Daniels' 3/2/95 letter. HyperLaw need not disclose its customers' identities at this time. SO ORDERED: ( signed by Judge Loretta A. Preska ) (ae) [Entry date 03/13/95]

<p>3/15/95 69 NOTICE OF MOTION by Inc. Hyperlaw for Carl J. Hartman to appear pro hac vice , Return date 10:00 3/30/95; with attached supporting Affirmation of Paul J. Ruskin. (ae) [Entry date 03/17/95]

<p>3/16/95 70 MEMORANDUM AND ORDER, In light of the detail of Mr. Ruskin's inquiry, I state that I am acquainted with Stephanie Pollack Singer, a West employee, through her father, the Hon. Milton Pollack of this Court. Finally, I have never received any gratuity whatsoever from West other than a pocket calendar which, I understand, is also sent to every other federal judge in America. (I do not use the onesent to me.) ( signed by Judge Loretta A. Preska ); Copies mailed (kg) [Entry date 03/17/95]

<p>3/29/95 71 Filed Memo\_Endorsement on letter from Katherine J. Daniels dated 3/16/95, A FIVE PAGE SUPPLEMENTAL BRIEF DIRECTED TO NEWLY-DISCOVERED INFORMATION MAYBE FILED BY 4/7/95. WEST'S MOTION TO DISMISS SHALL BE CONSIDERED REINSTATED TO THE CALENDAR ON THE DATE SUCH SUPPLEMENTAL BRIEF IS FILED... SO ORDERED, PRESKA, J. ( signed by Judge Loretta A. Preska ) (mk) [Entry date 03/31/95]

<p>3/29/95 72 Filed Memo-Endorsement on letter from Paul J. Ruskin to to Judge Preska dated March 23, 1995, considering the letter to be a motion, it is in all respects denied ( signed by Judge Loretta A. Preska ) (jr) [Entry date 04/03/95]

<p>3/31/95 73 NOTICE OF MOTION by Matthew Bender for Perry Goldberg to appear pro hac vice and participate in this action on behalf of the plaintiff , Return date 4/18/95 (ae) [Entry date 04/05/95]

<p>4/6/95 74 Filed Memo\_Endorsement on letter dated 4/3/95, request to reconsider the order of 3/23/95 is denied without prejudice to HyperLaw's making a motion per 28 USC 455 upon proper papers and subject to rule 11 ( signed by Judge Loretta A. Preska ) (cd) [Entry date 04/07/95]

<p>4/7/95 75 Transcript of record of proceedings filed for dates of 2/9/95 (rg)

<p>4/10/95 76 SEALED DOCUMENT placed in vault (af) [Entry date 04/12/95]

<p>4/18/95 77 Filed Memo-Endorsement on letter from Katherine J. Daniels to Judge Preska dated April 11, 1995, Mr. Sugarman shall have until April 21 to review the manuscript of his deposition and to make any required changes. The executed, corrected transcript shall be sent to Ms. Daniels so it is received by the close of business on April 21. Ms. Daniels shall have three business days thereafter (that is, until April 26) either to advise the Court that West's previously filed supplemental memorandum shall be deemed filed or to file a replacement ( signed by Judge Loretta A. Preska ) (jr) [Entry date 04/21/95]

<p>4/18/95 78 SCHEDULING ORDER setting Response to West's motion to dismiss deadline 5/12/95 ; Reply to response to motion deadline 5/26/95 ; ( signed by Judge Loretta A. Preska ) ; Copies mailed (jr) [Entry date 04/21/95]

<p>4/19/95 80 AFFIDAVIT of Elliot Brown, atty for by Matthew Bender, purs to Local Civil Rule 3(f). (lam) [Entry date 04/26/95]

<p>4/20/95 79 Filed Memo\_Endorsement on letter dated 4/14/95, for Hyperlaw, leave to file 5 page brief in response to WEst's supplemental brief by 5/3/95 ( signed by Judge Loretta A. Preska ) (cd) [Entry date 04/24/95]

<p>4/27/95 81 SEALED DOCUMENT placed in vault (sp) [Entry date 05/02/95]

<p>5/3/95 82 SEALED DOCUMENT placed in vault (sp) [Entry date 05/04/95]

<p>5/12/95 83 ORDER, Hyperlaw's motions for discovery, recusal and/or a stay are denied without prejudice to its making a properby motion in compliance with all applicable rules ( signed Judge Loretta A. Preska ); Copies mailed (cd) [Entry date 05/17/95]

<p>6/1/95 85 FIRST SUPPLEMENTAL COMPLAINT filed by Matthew Bender & Company, Inc. (pl) [Entry date 06/07/95]

<p>6/6/95 the 84 MANDATE OF USCA (certified copy) Re: An application for it is issuance of a writ of mandamus having been made by the petitioner, Hyperlaw, Inc., on consideration thereof, for hereby ordered, adjudged and decreed that the petition 3036). writ of mandamus be, and it hereby is, denied. (95-GEORGE LANGE III, Clerk, U.S.C.A. (em)

<p>6/7/95 Perry Memo endorsed on motion; granting [73-1] motion for Goldberg to appear pro hac vice and participate in this action on behalf of the plaintiff ( signed by Judge Loretta A. Preska ); Copies mailed. (cd) [Entry date 06/12/95]

<p>6/7/95 signed 86 ORDER, for leave to file supplemental complaint ( by Judge Loretta A. Preska ); Copies mailed (cd) [Entry date 06/12/95]

<p>6/12/95 KesslerGotshal 88 ANSWER by West Publishing Co. (Attorney Jeffrey L. ) to first supplemental complaint ; Firm of: Weil, etc. by attorney Jeffrey L. Kessler for defendant West Publishing Co. (emil) [Entry date 06/19/95]

<p>6/19/95 writ ofitdenied. 87 MANDATE OF USCA (certified copy) Re: A petition for mandamus having been filed, upon consideration thereof, is ordered that the petition be and it hereby is (95-3036). GEORGE LANGE III, Clerk, U.S.C.A. (em)

<p>6/23/95 89 06/26/95] SEALED DOCUMENT placed in vault (sp) [Entry date

<p>6/23/95 90 06/26/95] SEALED DOCUMENT placed in vault (sp) [Entry date

<p>6/23/95 91 06/26/95] SEALED DOCUMENT placed in vault (sp) [Entry date

<p>6/30/95 Co.of& 92 SUGGESTION OF ADDITIONAL AUTHORITY by West Publishing Re: in SUPPORT of its motion to dismiss the complaint plttf on the grounds that the action is nonjustifiable moot. (lam) [Entry date 07/10/95]

<p>7/19/95 93 Publishing AFFIDAVIT in support of Eric C. Tostrud by West Co. Re: for admission Pro Hac Vice of Eric C. Tostrud. (Conformed Copy). (djc) [Entry date 07/24/95]

<p>7/31/95 noticeJ.David 94 Notice of reas \_ to Judge John S. Martin Copy of and judge's rules mailed to Attorney(s) of record: Carl Hartman, Paul L. Ruskin, Beth K. Neelman, Jeffrey L. Kessler, Joseph M. Musilek, Morgan Chu, Elliot Brown, Nimmer, David Blasband . (sc)

<p>8/7/95 95 CERTIFICATE OF SERVICE of Notice of Reassignment w/ Southern Dist. Court Notice and Rules and Procedures of Judge John S. Martin, Jr., upon: Weil, Gotshal & Manges, Schatz, Paquin, Lockridge, Grindal & Holstein & Law Offices of Paul J. Ruskin by Attnys' for plttf. Matthew Bender (ls) [Entry date 08/11/95]

<p>8/9/95 96 STIPULATION and ORDER, regarding modification of protective order, regarding confidential information. SO ORDERED: ( signed by Judge John S. Martin ). (ae) [Entry date 08/14/95]

<p>8/15/95 97 STIPULATION and ORDER, to amend the protective order regarding confidential information; see document ( signed by Judge John S. Martin ). (cd) [Entry date 08/21/95]

<p>9/8/95 98 SEALED DOCUMENT placed in vault (da) [Entry date 09/11/95]

<p>9/8/95 99 SEALED DOCUMENT placed in vault (da) [Entry date 09/11/95]

<p>9/26/95 100 STIPULATION and ORDER, for leave to file supplemental complaint ( signed by Judge John S. Martin ). (cd) [Entry date 09/29/95]

<p>9/26/95 102 HYPERLAW'S FIRST SUPPLEMENTAL COMPLAINT filed; (djc) [Entry date 10/04/95]

<p>9/28/95 101 ORDER, deft is hereby directed to respond to plttf's application to file a Second Supplemental Complaint by 10/13/95 ( signed by Judge John S. Martin ); Copies mailed (kg) [Entry date 10/02/95]

<p>10/13/95 103 MEMORANDUM by West Publishing Co. in opposition to Matthew Bender's Motion to File a Second Supplemental Complaint. (djc) [Entry date 10/19/95]

<p>11/28/95 104 MEMORANDUM OPINION # 75771 ...Bender's motion to file the second supplemental complaint is granted.. West may submit additional arguments on its motion to dismiss, if it believes there are new issues raised by the filing of the second supplemental complaint, by December 22, 1995. Bender may respond to any such additional arguments by 1/19/96.. SO ORDERED.. ( Signed by Judge John S. Martin ); Copies mailed. (kk) [Entry date 12/06/95]

<p>12/6/95 105 SECOND SUPPLEMENTAL COMPLAINT by Matthew Bender , (Answer due 12/19/95 for West Publishing Co. ) amending [1-1] complaint ; Summons issued. (pl) [Entry date 12/12/95]

<p>12/22/95 106 MEMORANDUM by West Publishing Co.in support of deft's 12(B)(1) Motion to Dismiss Matthew Bender's Complaint for lack of subject matter jurisdiction. (kk) [Entry date 01/05/96]

<p>1/10/96 107 Suggestion of Additional Authority. (ae) [Entry date 01/11/96]

<p>3/19/96 108 NOTICE OF MOTION by INc. Hyperlaw for Lawrence L. Kessler, Attorney at Law, to appear pro hac vice on behalf of Hyperlaw, Inc., Intervenor-Plaintiff. , Return date not indicated. (ae) [Entry date 03/20/96]

<p>3/19/96 109 AFFIRMATION of Paul J. Ruskin by INc. Hyperlaw in support of Re: [108-1] motion for Lawrence L. Kessler, Attorney at Law, to appear pro hac vice on behalf of Hyperlaw, Inc., Intervenor-Plaintiff. (ae) [Entry date 03/20/96]

<p>3/19/96 110 AFFIDAVIT of Lorence L. Kessler by INc. Hyperlaw in support of Re: [108-1] motion for Lawrence L. Kessler, Attorney at Law, to appear pro hac vice on behalf of Hyperlaw, Inc., Intervenor-Plaintiff. (ae) [Entry date 03/20/96]

<p>4/2/96 111 ORDER, that, Lorence L. Kessler, Attny. at Law, be admitted pro hac vice in the above captioned case...SO ORDERED... ( signed by Judge John S. Martin ); Copies mailed (ls) [Entry date 04/04/96]

<p>5/1/96 112 ORDER granting [69-1] motion for Carl J. Hartman to appear pro hac vice as counsel to Intervenor-Plaintiff HyperLaw in the above-captioned case. ( signed by Judge John S. Martin ) ; sent original to Ruth on 5/2/96. (ae) [Entry date 05/02/96]

<p>5/2/96 113 MEMORANDUM OPINION AND ORDER # 76546, Defendant's motions to dismiss plaintiff Bender's complaints in the New York and Texas product actions are denied. The Court will hold an evidentiary hearing on West's motion to dismiss intervenor-plaintiff HyperLaw's complaint in the New York product action. SO ORDERED: ( Signed by Judge John S. Martin ) (ae) [Entry date 05/03/96]

<p>5/13/96 114 NOTICE OF MOTION by West Publishing Co. for reconsideration of [112-1] order, in the alternative Certification for interlocutory review (pl) [Entry date 05/14/96]

<p>5/13/96 115 MEMORANDUM by West Publishing Co. in support of [114- 1] motion for reconsideration of [112-1] order, [114-2] motion Certification for interlocutory review (pl) [Entry date 05/14/96]

<p>5/23/96 116 ORDER denying [114-1] motion for reconsideration of [112-1] order, denying [114-2] motion Certification for interlocutory review ( signed by Judge John S. Martin ); Copies mailed (cd) [Entry date 05/24/96]

<p>5/28/96 117 MEMORANDUM OF POINTS AND AUTHORITIES by Matthew Bender in opposition to [114-1] motion for reconsideration of [112-1] order, [114-2] motion Certification for interlocutory review (kg) [Entry date 05/30/96]

<p>8/5/96 118 MEMORANDUM OPINION AND ORDER # 77077, West's motion to dismiss purs. to Rule 12(b)(1) for lack of subject matter jurisdiction is denied. ( Signed by Judge John S. Martin ); Copies mailed. (kg) [Entry date 08/06/96]

<p>8/5/96 119 Transcript of record of proceedings filed for dates of 6/21/96 (kk) [Entry date 08/07/96]

<p>8/9/96 120 Filed Memo\_Endorsement on letter to Judge Martin from David Seidman dated 8/5/96, requesting leave to file , as amicus curiae, a Memorandum expressing the view that star pagination to the Nat'l Reporter System does not in itself infringe any copyright interest in the arrangement of the Nat'l. Reporter System volumes...APPLICATION GRANTED...SO ORDERED... ( signed by Judge John S. Martin ) (ls)

<p>8/9/96 121 Filed Memo\_Endorsement on letter dated 8/6/96, set Parties service deadline for their respective motions and supporting papers by 8/5/96, set parties service deadline for their respective briefs by 8/19/96, set fully briefed motions filing deadline for 8/20/96...So Ordered....( by Judge John S. Martin ) (pl)

<p>8/12/96 122 Filed Memo\_Endorsement on letter to Judge Martin from Joseph M. Musilek dated 08/05/96, ..accordingly, should the Court gante the Antitrust Division's request to file a copyright brief, West respectfully requests that it be granted an additional week to respond specifically to the Antitrust Division's brief. THUS WEST AND MATTHEW BENDER WOULD RESPOND TO EACH OTHER'S MOTION ON AUGUST 19TH, BUT WEST WOULD NOT HAVE TO RESPOND TO THE ANTITRUST DIVISION UNTIL ONE WEEK LATER ON MONDAY, AUGUST 26TH. SO ORDERED. (signed by Judge John S. Martin ) (djc) [Entry date 08/13/96]

<p>8/20/96 123 SEALED DOCUMENT placed in vault (da)

<p>8/20/96 124 MEMORANDUM by Matthew Bender re: of Points and Authorities in Opposition to West's Motion for Summary Judgment. (djc) [Entry date 08/21/96]

<p>8/20/96 125 DECLARATION of Ken Halajian, Michelle Kramer, Laurie Kaplan and Perry Goldberg in Support of Matthew Bender's Motion for Summary Judgment (motion not on file) (djc) [Entry date 08/21/96]

<p>8/20/96 126 NOTICE OF MOTION by Matthew Bender for summary judgment , Return date 2/28/94 (djc) [Entry date 08/21/96]

<p>8/20/96 127 Rule 3(g) statement filed by Matthew Bender (djc) [Entry date 08/21/96]

<p>8/20/96 128 MEMORANDUM of Points and Autorites by Matthew Bender in support of [126-1] motion for summary judgment (djc) [Entry date 08/21/96]

<p>8/20/96 129 RESPONSE by West Publishing Co. Re: [127-1] settlement notice (djc) [Entry date 08/21/96]

<p>8/20/96 130 NOTICE OF MOTION by West Publishing Co. for summary judgment, dismissing the plaintiff's second Supplemental Complaint with prejudice and declaring that Matthew Bender's proposed star paginationto West Reporters infringes West's copyright in the arrangement of the Reporters. (djc) [Entry date 08/21/96]

<p>8/20/96 130 Rule 3(g) statement filed by West Publishing Co. (djc) [Entry date 08/21/96]

<p>8/20/96 131 AFFIDAVIT in opposition of Michael A. Trittippo by West Publishing Co. Re: [126-1] motion for summary judgment (djc) [Entry date 08/21/96]

<p>8/20/96 132 MEMORANDUM OF LAW by West Publishing Co. in opposition to [126-1] motion for summary judgment (djc) [Entry date 08/21/96]

<p>8/20/96 133 AFFIDAVIT in support of Donna Bergsgaard by West Publishing Co. Re: [130-1] motion for summary judgment (djc) [Entry date 08/21/96]

<p>8/20/96 134 AFFIDAVIT in support of Steven Swansson by West Publishing Co. Re: [130-1] motion for summary judgment (djc) [Entry date 08/21/96]

<p>8/20/96 135 MEMORANDUM OF LAW by West Publishing Co. in support of [130-1] motion for summary judgment (djc) [Entry date 08/21/96]

<p>8/20/96 136 MEMORANDUM of United States of America as Amicus Curiae in support of the Proposition that Bender's Star Pagination to West's National Reporter System Does not infringe any Copyright Interest West May have in the Arrangement of the National Reporter System Volumes. (djc) [Entry date 08/21/96]

<p>8/29/96 137 Filed Memo\_Endorsement on letter by Paul J. Ruskin to Judge Martin dated 8/23/96, Set HyperLaw's motion filing deadline for 9/24/96. West will file its opposition within 15 days of receipt, and HyperLaw will then have 10 days for any reply. SO ORDERED: ( signed by Judge John S. Martin ) (ae) [Entry date 08/30/96]

<p>11/13/96 138 NOTICE OF MOTION by Inc. Hyperlaw for summary judgment as to the Copyright of the Text of Legal Opinions and Pagination. (kw) [Entry date 11/14/96]

<p>11/13/96 139 MEMORANDUM by Inc. Hyperlaw in support of [138-1] motion for summary judgment as to the Copyright of the Text of Legal Opinions and Pagination. (kw) [Entry date 11/14/96]

<p>11/13/96 140 Rule 3(g) statement filed by Inc. Hyperlaw (kw) [Entry date 11/14/96]

<p>11/13/96 141 AFFIDAVIT in opposition of Bradley W. Anderson by West Publishing Co. to Re: [138-1] motion for summary judgment as to the Copyright of the Text of Legal Opinions and Pagination. (kw) [Entry date 11/14/96]

<p>11/13/96 142 SUPPLEMENTAL AFFIDAVIT in opposition of Donna M. Bergsgaard by West Publishing Co. of Re: [138-1] motion for summary judgment as to the Copyright of the Text of Legal Opinions and Pagination. (kw) [Entry date 11/14/96]

<p>11/13/96 143 [138-1]Text MEMORANDUM by West Publishing Co. in opposition to motion for summary judgment as to the Copyright of the 11/14/96] of Legal Opinions and Pagination. (kw) [Entry date

<p>11/13/96 144 Rule 3(g) statement filed by West Publishing Co. (kw) [Entry date 11/14/96]

<p>11/13/96 145 REPLY by Inc. Hyperlaw to Re: [143-1] opposition memorandum, [142-1] affidavit, [141-1] affidavit (kw) [Entry date 11/14/96]

<p>11/13/96 146 support AFFIRMATION of Alan D. Sugarman by Inc. Hyperlaw in of Re: [145-1] opposition response (kw) [Entry date 11/14/96]

<p>11/15/96 147 1 of EXHIBITS TO THE AFFIDAVIT OF ALAN D. SUGARMAN - Binder 3. (lam) [Entry date 11/19/96]

<p>11/15/96 148 2 Of EXHIBITS TO THE AFFIDAVIT OF ALAN D. SUGARMAN - Binder 3. (lam) [Entry date 11/19/96]

<p>11/15/96 149 3. EXHIBIT TO AFFIDAVIT OF CARL J. HARTMANN - Binder 3 of (lam) [Entry date 11/19/96]

<p>11/27/96 150 in MEMORANDUM ORDER GRANTING [126-1] motion for summary judgment, DENYING [130-1] motion for summary judgment, DENYING motion dismissing the plaintiff's second Supplemental Complaint with prejudice, DENYING [130-3] motion declaring that Matthew Bender's proposed star pagination to West Reporters infringes West's copyright for the arrangement of the Reporters ; pretrial order due (lam) 1/17/97 ; Trial for 9:30 1/27/97. ( signed by Judge John S. Martin ) ; Copies mailed (also filed in case #95cv4496) (original doc. sent to J.C. on 11/29/96) [Entry date 11/29/96] [Edit date 11/29/96]

<p>11/29/96 152 JUDGMENT ... Ordered Adjudged and Decreed that for the reasons stated in the Court's Memorandum and Order of 11/26/96, plttf's motion for summary judgment is hereby granted, defft's motion is denied, and partial summary judgment is granted for intervenor plttf.. JAMES M. PARKISON, CLERK. (kk) [Entry date 12/06/96]

<p>12/5/96 151 ORDER, reset Hyperlaw and West to submit a pretrial order due for 1/17/97, reset trial ready deadline 9:30 1/27/97...So Ordered.....( signed by Judge John S. Martin ) ; Copies mailed (pl) [Entry date 12/06/96]

<p>12/13/96 153 ORDER, Hyperlaw is granted an extension of time in which to file any motion for attys fees it wishes to make until March 1, 1997. ( signed by Judge John S. Martin ) ; Copies mailed (djc) [Entry date 12/16/96]

<p>12/17/96 154 STIPULATION OF SUBSTITUTION OF ATTORNEYS, substituting attorney Satterlee Stephens Burke & Burke LLP for defft West Publishing Co, in place and stead of Weil Gotshall & Manges L.L.P. ( signed by Judge John S. Martin ). (kg) [Entry date 12/18/96]

<p>12/20/96 155 NOTICE OF MOTION by Matthew Bender for attorney fees and Non-Taxable Costs. (kw) [Entry date 12/23/96] [Edit date 12/23/96]

<p>12/20/96 156 MEMORANDUM by Matthew Bender in support of [155-1] motion for attorney fees and Non-Taxable Costs. (kw) [Entry date 12/23/96]

<p>12/27/96 157 NOTICE OF APPEAL by West Publishing Co. ; from [152-1] judgment order . Copies of notice of appeal mailed to Attorney(s) of Record: Paul J. Ruskin, Esq., Carl J. Hartmann, Esq., Elliot Brown, Esq. and David Blasband, Esq. . \$105.00 Fee paid on receipt # E 277397. (dt)

<p>1/2/97 158 Before J Martin; Transcript of record of proceedings filed for dates of 11/22/96 (cd)

<p>1/15/97 159 MANDATE OF USCA (certified copy) Re: [157-1] appeal by West Publishing Co. it is ordered that the appeal be and is hereby dismissed. (96-9711) George Lange III, Clerk, U.S.C.A. (dt) [Entry date 01/21/97]

<p>1/16/97 160 Appeal reinstated. by West Publishing Co. USCA NUMBER: 96-9711. George Lange, III, Clerk, USCA. (as) [Entry date 01/21/97] 1/21/97 -- Before J Martin; Pre-trial conference held (cd) [Entry date 01/22/97]

<p>1/21/97 161 NOTICE OF MOTION by INC. Hyperlaw for an order pursuant to Rule 11 of the F.R.C.P. admonishing or reprimanding dft. West Publishing Co. and its law firm (pl) [Entry date 01/23/97] 1/21/97 motion 162 MEMORANDUM by INC. Hyperlaw in support of [161-1] and for an order pursuant to Rule 11 of the F.R.C.P. admonishing or reprimanding dft. West Publishing Co. its law firm (pl) [Entry date 01/23/97] 1/27/97 Non-Jury trial held before Judge Martin on 1/27/97, 1/18/97, & concluded on 1/28/97; Total trial days: 2; Judge's Decision: Reserved (ls) [Entry date 02/10/97]

<p>1/28/97 dft. 163 ORDER mootng [161-1] motion for an order pursuant to Rule 11 of the F.R.C.P. admonishing or reprimanding John West Publishing Co. and its law firm ( signed by Judge S. Martin ); Copies mailed (kw)

<p>1/28/97 164 Affirmation of West Publishing Co. of service of the Notice of Motion upon Paul Ruskin, Esq., attorney for plaintiff. (kw) [Entry date 01/31/97]

<p>2/24/97 165 ORDER, HyperLaw is granted an extension of time in which to file any motion for attorneys fees it wishes to make until 14 days after a decision is entered with regard to the matters heard at trial. SO ORDERED: ( signed by Judge John S. Martin ); (ae)

<p>2/28/97 166 Transcript of record of proceedings filed before Judge Martin for dates of Jan. 27,28, 1997 (ae)

<p>3/7/97 167 Withdrawal of [160-1] appeal by West Publishing Co., [157-1] appeal by West Publishing Co. (96-9711) George Lange, III, CLerk, USCA> (as) [Entry date 03/11/97]

<p>3/10/97 168 INTERVENOR -PLAINTIFF Hyperlaw re: Post-Trial Brief-in-Chief. (djc) [Entry date 03/11/97]

<p>3/12/97 169 MEMORANDUM AND ORDER, This is to certify pursuant to Rule 54(b) of the F.R.C.P. that there is no just reason to delay entry of judgment on this claim and to direct entry of summary judgment on this issue.....(see order for further details).....So Ordered.....( signed by Judge John S. Martin ) (pl) [Entry date 03/13/97]

<p>3/14/97 170 CONSENT ORDER, ordered that West Publishing Corp., as successor-in-interest to the assets and liabilities of West Publishing Co., shall be joined, purs. to Rule 19,FRCP, as a deft in this action. This order shall be considered to be effective, nunc pro tunc, as of 12/31/96 ( signed by Judge John S. Martin ); (kg) [Entry date 03/17/97]

<p>4/7/97 171 NOTICE OF APPEAL by West Publishing Co. ; from [169-1] order This is to certify pursuant to Rule 54(b) of the F.R.C.P. that there is no just reason to delay entry of judgment on this claim and to direct entry of summary judgment on this issue.....(see order for further details)....., [169-2] relief, [152-1] judgment order . Copies of notice of appeal mailed to Attorney(s) of Record: Carl J. Hartman and Irell & Manella. \$105.00 Fee paid on receipt # E 284596. (dt) [Entry date 04/08/97]

<p>4/7/97 172 PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW (doc. not signed by Judge) (ls) [Entry date 04/08/97]

<p>4/7/97 173 POST-TRIAL MEMORANDUM of law by West Publishing Co. (dj) [Entry date 04/08/97]

<p>4/21/97 174 POST-TRIAL REPLY BRIEF by Inc. Hyperlaw (ae) [Entry date 04/23/97]

<p>5/13/97 175 Notice that the record on appeal has been certified and transmitted to the U.S. Court of Appeals: [171-1] appeal by West Publishing Co. (as)

<p>5/19/97 176 MEMORANDUM OPINION #78585, since West has no copyright interest in those elements of the reported opinions which Hyperlaw is copying and intends to copy, Hyperlaw is entitled to a judgment that its copying on the opinions from the West reports does not violate West's copyrights. The foregoing shall constitute the Court's findings of fact and conclusions of law. ( Signed by Judge John S. Martin ); Copies mailed. sent for jdmngt (cd) [Entry date 05/20/97]

<p>6/5/97 177 ORDER, HyperLaw is stayed from filing its motion for attys fees until the earlier of: (a) 15 days after the 2nd Circuit's mandate in Matthew Bender and HyperLaw v. West, 97-7430 is entered in this Court, or (b) until 45 days after final judgment is entered by this Court - if West has not filed a notice of appeal w/ respect to the matters litigated at trial ( signed by Judge John S. Martin ); Copies mailed (emil) [Entry date 06/06/97]

<p>6/18/97 178 NOTICE OF APPEAL by West Publishing Co. ; from [176-1] order since West has no copyright interest in those elements of the reported opinions which Hyperlaw is copying and intends to copy, Hyperlaw is entitled to a judgment that its copying on the opinions from the West reports does not violate West's copyrights. The foregoing shall constitute the Court's findings of fact and conclusions of law., [176-2] order . Copies of notice of appeal mailed to Attorney(s) of Record: Paul L. Ruskin, Esq. and Irell & Manella LLP. \$105.00 Fee paid on receipt # E 290746. (dt)

<p>6/30/97 179 JUDGMENT that following trial before the Court anda decision having been rendered, changes made by West in its Supreme Court Reporter and Federal Reporter Series tothe text of judicial opinions do not represen a sufficient creative effort to warrant copyright protection etc; that since West has no copyright interest in those elements of the reported decisions which HyperLaw is copying and intends to copy, HyperLaw may copy opinions from West's Supreme Court REporter and Federal Reporter Series, without violating the copyright law etc ( signed by Judge John S. Martin ); Mailed copies and notice of right to appeal. (cd) [Entry date 07/02/97] 6/30/97 Case closed (kk) [Entry date 09/09/97]

<p>7/2/97 180 MANDATE OF USCA (certified copy) Re: [178-1] appeal by West Publishing Co. It is ordered that the appeal from the order of 5/19/97 be and it hereby is dismissed. (97- 7780) George Lange, III, CLerk, USCA. (as) [Entry date 07/08/97]

<p>7/3/97 181 True Copy of Order from the USCA as to West Publishing Co. RE: . It is hereby ordered that said order be and it hereby is vacated; and it is further noted that said appeal be and it hereby is reinstated. (97-7780) George Lange, III, Clerk, USCA. (as) [Entry date 07/08/97]

<p>7/16/97 182 NOTICE OF APPEAL by West Publishing Co., & West Publishing Corp. ; from [179-1] judgment order, [176-1] order since West has no copyright interest in those elements of the reported opinions which Hyperlaw is copying and intends to copy, Hyperlaw is entitled to a judgment that its copying on the

opinions from the West reports does not violate West's copyrights. The foregoing shall constitute the Court's findings of fact and conclusions of law. . Copies of notice of appeal mailed to Attorney(s) of Record: Paul L. Ruskin ., Irell & Manella, fee pd, \$105.00, rec # 292714. (as) [Entry date 07/18/97]

<p>8/8/97 183 Withdrawal of [182-1] appeal by West Publishing Co.(97-7780) George Lange, III, Clerk, USCA. (as) [Entry date 08/11/97]

<p>8/22/97 184 Notice that the record on appeal has been certified and transmitted to the U.S. Court of Appeals: [160-1] appeal by West Publishing Co. on August 22, 1997. (dt)

<p>9/18/97 185 STIPULATION and ORDER, regarding said exhibits to be filed with the Clerk of the District Court for subsequent transmission to the Court of Appeals for the Second Circuit ( signed by Judge John S. Martin ). (ae) [Entry date 09/19/97]

<p>10/8/97 186 Notice that the record on appeal has been certified and transmitted to the U.S. Court of Appeals: [171-1] appeal by West Publishing Co. (as)

<p>1/5/99 187 MANDATE OF USCA (certified copy) Re: a [182-1] appeal by West Publishing Co. it is now hereby ORDERED, ADJUDGED, and DECREED that the judgment of said District Court be and it hereby is affirmed in accordance with the opinion of this Court. (97-7430) Carolyn Clrk Campbell, Clerk, U.S.C.A. (dt)

<p>1/8/99 188 MANDATE OF USCA (certified copy) Re: affirmed. [182-1] appeal by West Publishing Co. it is now hereby ORDERED, ADJUDGED AND DECREED that the judgment of said District Court be and it hereby is affirmed in accordance with the opinion of this Court. (97-7910) Carolyn Clark Campbell, Clerk, U.S.C.A. (dt) [Entry date 01/11/99]

<p>1/13/99 189 ORDER; that Hyperlaw shall have, until 1/29/99, to file its motion for atty's fees ( signed by Judge John S. Martin ); Copies mailed (jp) [Entry date 01/14/99]

<p>1/29/99 190 NOTICE OF MOTION by INc. Hyperlaw for attorney fees and non-taxable costs , Return date not indicated (cd) [Entry date 02/03/99]

<p>1/29/99 191 MEMORANDUM by INc. Hyperlaw in support of [190-1] motion for attorney fees and non-taxable costs (cd) [Entry date 02/03/99]

<p>3/2/99 192 Filed Memo-Endorsement on letter to Judge Martin from Elliot Brown dated 2/25/99 withdrawing [190-1] motion for attorney fees and costs (signed by Judge John S. Martin). (ri) [Entry date 03/03/99]

<p>7/7/99 193 MEMORANDUM by West Publishing Co. in opposition to [190-1] motion for attorney fees and non-taxable costs (jp) [Entry date 07/08/99]

<p>8/24/99 194 REPLY by Hyperlaw, Inc., Hyperlaw in support of [190-1] motion for attorney fees and non-taxable costs (djc) [Entry date 08/25/99]

<p>9/9/99 195 SEALED DOCUMENT placed in vault (da)

<p>9/9/99 196 SUR-REPLY MEMORANDUM by West Publishing Co. re: in opposition to [190-1] motion for attorney fees and non-taxable costs (sac) [Entry date 09/10/99]

<p>12/16/99 197 OPINION AND ORDER #83235; West is ordered to pay HyperLaw \$813,724.25 in reasonable attys' fees for this action. ( signed by Judge John S. Martin ); Copies mailed. (sac) [Entry date 12/20/99]

<p>1/4/00 198 NOTICE OF APPEAL by West Publishing Co. ; from [197-1] order West is ordered to pay HyperLaw \$813,724.25 in reasonable attys' fees for this action., [197-2] order . Copies of notice of appeal mailed to Attorney(s) of Record: Paul L. Ruskin and Irell & Manella. \$105.00 Appeal filing fee paid January 4, 2000 on receipt # E 363034. (dt) 1/4/00 notice Notice of appeal and certified copy of docket to USCA: [198-1] appeal by West Publishing Co. ; Copy of of appeal sent to District Judge. (dt)

<p>1/6/00 West 199 JUDGMENT #00,0030; that Hyperlaw recover of the defts thereon Publishing Co., jointly and severally, the sum of \$813,724.25 in reasonable attys fees, with interest Judge at the rate of 5.67% as provided by law. ( signed by John S. Martin ); Mailed copies and notice of right to appeal. Entered On Docket: 1/7/00. (jp) [Entry date 01/07/00] 1/12/00 America. 200 BOND #5826093 in the sum of \$903,233.91 entered by West Publishing Co. from Safeco Insurance Company of (djc) [Entry date 01/13/00]

<p>1/14/00 Manella. 201 NOTICE OF APPEAL by West Publishing Co. ; from [199-1] judgment order . Copies of notice of appeal mailed to Attorney(s) of Record: Paul L. Ruskin and Irell & \$105.00 Appeal filing fee paid 1/14/00 on receipt # E 363885. (dt) [Entry date 01/18/00] 1/18/00 notice Notice of appeal and certified copy of docket to USCA: [201-1] appeal by West Publishing Co. ; Copy of of appeal sent to District Judge. (dt)

<p>1/20/00 partthe 202 NOTICE OF CROSS-APPEAL by Inc. Hyperlaw ; from ; that of the Opinion and Order dated December 16, 1999, and rates Judgment entered January 6, 2000, setting the billing of for HyperLaw's Counsel. Copies mailed to the attorneys record: James Rittinger, Esq. and Elliot Brown, Esq. \$105.00 Appeal filing fee paid 1/20/00 on receipt # E 364220. (dt) [Entry date 01/21/00] 1/21/00 notice Notice of appeal and certified copy of docket to USCA: [202-1] cross appeal by INc. Hyperlaw ; Copy of of appeal sent to District Judge. (dt) 3/7/00 NUMBER: USCA Case Number Re: [198-1] appeal by West Publishing Co., [201-1] appeal by West Publishing Co. USCA 00-7029(Lead) & 00-7070(Xap). (dt)

<p>4/20/00 appeal 203 Notice that the record on appeal has been certified and transmitted to the U.S. Court of Appeals: [198-1] by West Publishing Co., [201-1] appeal by West Publishing Co., [202-1] cross appeal by INc. Hyperlaw. (dt) [END OF DOCKET: 1:94cv589] X-----  
-----X [7m Press any key to continue.. [m