

114Cl1E17.64Cl66F

Proceedings include all events.
1:94cv589 Matthew Bender v. West Publishing Co.

APPEAL
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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

- 2/1/94 (1) COMPLAINT filed; Issued Notice pursuant to 28 U.S.C. 636(c);
FILING FEE \$ 120.00 RECEIPT # 208508 (jl)
[Entry date 02/04/94]
- 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]
- 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]
- 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
pltf. , Return date 3/7/94 (dd)
- 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]
- 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]
- 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]
- 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]
- 3/9/94 (9) REPORT OF PARTIES' PLANNING MEETING (mk)
[Entry date 03/11/94]

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- 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]
- 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]
- 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]
- 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]
- 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]
- 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]
- 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]
- 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]
- 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]

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- 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]
- 3/22/94 (20) NOTICE by Matthew Bender to take deposition of West Publishing Co. on 5/2/94; (mk)
- 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]
- 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]
- 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]
- 4/5/94 (24) Rule 9 certificate filed by West Publishing Co. (mk) [Entry date 04/07/94]
- 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]
- 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]
- 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 pltff 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]
- 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]

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- 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]
- 4/20/94 (29) NOTICE of attorney appearance for INC. Hyperlaw, Inc. Hyperlaw by Paul L. Ruskin (mk) [Entry date 04/22/94]
- 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]
- 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]
- 5/27/94 33 SEALED DOCUMENT placed in vault (sp)
- 5/27/94 34 SEALED DOCUMENT placed in vault (sp)
- 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]
- 7/14/94 36 SEALED DOCUMENT placed in vault (lr)
- 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 Cmpit 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]
- 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]
- 8/18/94 39 SEALED DOCUMENT placed in vault (lr)
- 8/23/94 (40) Transcript of record of proceedings filed for dates of 6/9/94 (mk)

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- 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]
- 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 Chrysler 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]
- 9/8/94 42 SEALED DOCUMENT placed in vault (sp) [Entry date 09/12/94]
- 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]
- 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]
- 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]
- 10/18/94 (47) REPLY MEMORANDUM by West Publishing Co. in support of re: Defendants' motion to dismiss Hyperlaw, Inc. complaint for lack of subject matter jurisdiction; Oral Argument Requested (pl) [Entry date 10/19/94] [Edit date 10/19/94]
- 10/18/94 (48) AFFIDAVIT in support of Katherine J. Daniels by West Publishing Co. Re: Wests Publishing Company motion to dismiss the Complaint of Plaintiff-intervenor, HyperLaw, Inc. (pl) [Entry date 10/19/94]
- 10/18/94 (49) INTERVENOR-PLAINTIFF MEMORANDUM by Inc. Hyperlaw in opposition to West Publishing Company's Motion to Dismiss Hyperlaw, Inc.'s complaint for lack of subject matter jurisdiction (pl) [Entry date 10/19/94]

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- 10/18/94 (50) AFFIRMATION by Paul J. Ruskin, Esq. in Support of Re:
[49-1] opposition memorandum (pl) [Entry date 10/19/94]
- 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]
- 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
Judgment Act, 28 U.S.C.and... , Return date 9/13/94 (pl)
[Entry date 11/14/94]
- 11/10/94 (53) 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 U.S.C.and...
(pl) [Entry date 11/14/94]
- 11/10/94 (54) Alan D. Sugarman Deposition Exhibits Volume I (pl)
[Entry date 11/14/94]
- 11/10/94 (55) Alan D. Sugarman Deposition Exhibits Volume II (pl)
[Entry date 11/14/94]
- 11/21/94 56 SEALED DOCUMENT placed in vault (af)
- 12/1/94 (57) Filed Memo Endorsement on letter by Jeffrey L. Kessler,
dated 11/15/94, If West wishes to take discovery prior to
responding to Hyper Laws surreply, West shall withdraw its
motion. The motion may be reinstated by letter at the time
the response to the sur-reply is filed. The response shall
not exceed ten pages unless good cause is shown (signed
by Judge Loretta A. Preska) (pl) [Entry date 12/07/94]
- 12/1/94 (58) Filed Memo Endorsement on letter by Paul J. Ruskin, dated
11/9/94, Hyperlaw requests that the Court allow it be
given 5 days in which to file a 3 page. sureply directed at
West's factual assertions. Hyperlaw further request that
the attached product be made a part of it Opposition and a
part of the record herein...So Ordered...(signed on
11/17/94 by Judge Loretta A. Preska) (pl)
[Entry date 12/07/94]
- 12/9/94 (61) NOTICE OF MOTION by West Publishing Co. to maintain the
Sealing of pltf Hyperlaw, Inc's Statement of Facts not in
Dispute. pursuant to rule 3 , none giveve **/**/** (dd)
[Entry date 12/30/94]

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- 12/13/94 (59) RESPONSE by West Publishing Co. Re: Hyperlaw's Rule 3(g) Statement (pl) [Entry date 12/14/94]
- 12/13/94 60 Sealed Document (pl) [Entry date 12/14/94] [Edit date 02/06/97]
- 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 [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]
- 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]
- 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]
- 2/15/95 65 SEALED DOCUMENT placed in vault (sp)
- 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]
- 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]

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- 3/9/95 (67) Filed Memo Endorsement on letter by Paul J. Ruskin to Judge Preska 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]
- 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]
- 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]
- 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 one sent to me.) (signed by Judge Loretta A. Preska); Copies mailed (kg) [Entry date 03/17/95]
- 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]
- 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]
- 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]
- 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]

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

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

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]

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]

4/19/95 (80) AFFIDAVIT of Elliot Brown, atty for by Matthew Bender, purs to Local Civil Rule 3(f). (lam) [Entry date 04/16/95]

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]

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

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

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

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

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

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6/7/95 -- Memo endorsed on motion; granting [73-1] motion for Perry 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]

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

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

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

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

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

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

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

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

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

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 plfff. Matthew Bender (ls) [Entry date 08/11/95]

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]

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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]

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

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

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]

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

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]

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]

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]

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]

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]

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

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]

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]

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

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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)

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)

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) (dj) [Entry date 08/13/96]

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

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

5/20/96 (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) (dj) [Entry date 08/21/96]

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

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

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

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

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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 pagination to West Reporters infringes West's copyright in the arrangement of the Reporters. (djc) [Entry date 08/21/96]

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

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

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]

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]

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]

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]

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]

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]

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]

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]

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

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- 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]
- 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]
- 11/13/96 (143) MEMORANDUM by West Publishing Co. in opposition to [138-1] motion for summary judgment as to the Copyright of the Text of Legal Opinions and Pagination. (kw) [Entry date 11/14/96]
- 11/13/96 (144) Rule 3(g) statement filed by West Publishing Co. (kw) [Entry date 11/14/96]
- 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]
- 11/13/96 (146) AFFIRMATION of Alan D. Sugarman by Inc. Hyperlaw in support of Re: [145-1] opposition response (kw) [Entry date 11/14/96]
- 11/15/96 (147) EXHIBITS TO THE AFFIDAVIT OF ALAN D. SUGARMAN - Binder 1 of 3. (lam) [Entry date 11/19/96]
- 11/15/96 (148) EXHIBITS TO THE AFFIDAVIT OF ALAN D. SUGARMAN - Binder 2 of 3. (lam) [Entry date 11/19/96]
- 11/15/96 (149) EXHIBIT TO AFFIDAVIT OF CARL J. HARTMANN - Binder 3 of 3. (lam) [Entry date 11/19/96]
- 11/27/96 (150) 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 in the arrangement of the Reporters ; pretrial order due for 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) (lam) [Entry date 11/29/96] [Edit date 11/29/96]
- 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, deft's motion is denied, and partial summary judgment is granted for intervenor plttf.. JAMES M. PARKISON, CLERK. (kk) [Entry date 12/06/96]

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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]

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]

12/17/96 (154) STIPULATION OF SUBSTITUTION OF ATTORNEYS, substituting attorney Satterlee Stephens Burke & Burke LLP for deft 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]

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]

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]

12/27/96 (157) NOTICE OF APPEAL by West Publishing Co. ; from [150-1] 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)

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

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]

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]

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]

1/21/97 162 MEMORANDUM by INC. Hyperlaw in support of [161-1] motion 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]

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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]

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

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]

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)

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

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]

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

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]

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 dft 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]

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]

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- 4/7/97 (172) PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW (doc. not signed by Judge) (ls) [Entry date 04/08/97]
- 4/7/97 (173) POST-TRIAL MEMORANDUM of law by West Publishing Co. (djc) [Entry date 04/08/97]
- 4/21/97 (174) POST-TRIAL REPLY BRIEF by Inc. Hyperlaw (ae) [Entry date 04/23/97]
- 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)
- 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 jdmgt (cd) [Entry date 05/20/97]
- 6/5/97 (177) ORDER, HyperLaw is stayed from filing its motion for attorneys fees until the earlier of: (a) 15 days after the 9th 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]
- 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)
- 6/30/97 (179) JUDGMENT that following trial before the Court and a decision having been rendered, changes made by West in its Supreme Court Reporter and Federal Reporter Series to the text of judicial opinions do not represent 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)

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[Entry date 07/02/97]

6/30/97 -- Case closed (kk) [Entry date 09/09/97]

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]

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]

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 paid \$115.00. rec # 192714. (as) [Entry date 07/16/97]

8/8/97 (183) Withdrawal of [162-1] appeal by West Publishing Co. (97-7780) George Lange, III, Clerk, USCA. (as) [Entry date 08/11/97]

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)

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]

10/6/97 (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)

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)

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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]

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]

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]

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]

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]

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]

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]

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

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]

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]~~

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 of appeal and certified copy of docket to USCA: [198-1] appeal by West Publishing Co. ; Copy of notice of appeal sent to District Judge. (dt)

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1/6/00 (199) JUDGMENT #00,0030; that Hyperlaw recover of the debts West Publishing Co., jointly and severally, the sum of \$813,724.25 in reasonable attys fees, with interest thereon at the rate of 5.67% as provided by law. (signed by Judge 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 (200) BOND #5826093 in the sum of \$903,233.91 entered by West Publishing Co. from Safeco Insurance Company of America. (djc) [Entry date 01/13/00]

1/14/00 (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 & Manella. \$105.00 Appeal filing fee paid 1/14/00 on receipt # E 363885. (dt) [Entry date 01/18/00]

1/18/00 -- Notice of appeal and certified copy of docket to USCA: [201-1] appeal by West Publishing Co. ; Copy of notice of appeal sent to District Judge. (dt)

1/20/00 (202) NOTICE OF CROSS-APPEAL by Inc. Hyperlaw ; from ; that part of the Opinion and Order dated December 16, 1999, and the Judgment entered January 6, 2000, setting the billing rates for HyperLaw's Counsel. Copies mailed to the attorneys of 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 of appeal and certified copy of docket to USCA: [202-1] cross appeal by INC. Hyperlaw ; Copy of notice of appeal sent to District Judge. (dt)

3/7/00 -- USCA Case Number Re: [198-1] appeal by West Publishing Co., [201-1] appeal by West Publishing Co. USCA NUMBER: 00-7029(Lead) & 00-7070(Xap). (dt)

4/20/00 (203) Notice that the record on appeal has been certified and transmitted to the U.S. Court of Appeals: [198-1] appeal by West Publishing Co., [201-1] appeal by West Publishing Co., [202-1] cross appeal by INC. Hyperlaw. (dt)

2/20/01 (204) MANDATE OF USCA (certified copy) Re: Remand [201-1] appeal by West Publishing Co., [198-1] appeal by West Publishing Co. It is now hereby ORDRED, ADJUDGED and DECREED that the Judgment of said District Court be and it hereby is VACATED and REMANDED in accordance with the opinion of this Court. Each party shall bear it own costs on this appeal. (00-7029(L) & 00-7070(XAP) Roseann B. MACKechnie, Clerk, U.S.C.A. (dt) [Entry date 02/21/01]

2/20/01 -- Case reopened. (dt) [Entry date 02/21/01]

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- 2/23/01 (205) ORDER; Hyperlaw may file a brief on attnys' fees by 3/21/01, to which West may respond by 4/18/01 and Hyperlaw may reply by 5/15/01; (signed by Judge John S. Martin); Copies mailed. (lf) [Entry date 02/26/01]
- 3/21/01 (206) POST-REMAND MEMORANDUM OF LAW by INC. Hyperlaw in support of [190-1] motion for attorney fees and non-taxable costs . (pl) [Entry date 03/26/01]
- 4/18/01 (207) AFFIDAVIT of James F. Rittinger by West Publishing Co. in support of [193-1] opposition memorandum . (pl) [Entry date 04/19/01]
- 4/18/01 (208) MEMORANDUM OF LAW by West Publishing Co. in response to Hyperlaw's Post-Remand Memorandum in support of its motion for reasonable attorney's fees. (pl) [Entry date 04/19/01]
- 5/15/01 (209) POST-REMAND REPLY by INC. Hyperlaw in support of Re: [190-1] motion for attorney fees and non-taxable costs (pl) [Entry date 05/17/01]
- 7/2/01 (210) OPINION and ORDER #85782; Hyperlaw has renewed its [190-1] application for an award in the full amount of its attorneys' fees; that for the reasons set forth in this Order, judgment will be entered for Hyperlaw against West in the amount of \$813,724.25 with interest from the date of the original award. (signed by Judge John S. Martin); Copies mailed. Original document forwarded to Judgment Clerk. (kkc)
- 7/3/01 (211) JUDGMENT #01,1291; it is ordered, adjudged and decreed that for the reasons stated in the Court's Opinion (85782) and Order dated 7/2/01, judgment is hereby entered in favor of Hyperlaw and against West in the amount of \$813,724.25 with interest from the date of the original award. (signed by James M. Parkison, Clerk of Court); Mailed copies and notice of right to appeal. Entered On Docket: 7/6/01. (sac) [Entry date 07/06/01]
- 7/3/01 -- Case closed. (ae) [Entry date 07/10/01]
- 7/20/01 (212) NOTICE OF APPEAL by West Publishing Co. ; from [211-1] judgment order, [210-1] order Hyperlaw has renewed its [190-1] application for an award in the full amount of its attorneys' fees; that for the reasons set forth in this Order, judgment will be entered for Hyperlaw against West in the amount of \$813,724.25 with interest from the date of the original award . Copies of notice of appeal mailed to Attorney(s) of Record: Paul L. Ruskin and Irell & Manella. \$105.00 Appeal Filing Fee paid 7/20/01 on receipt #E412132. (sb)

things include all events.
#89 Matthew Bender v. West Publishing Co.

APPEAL
CLOSED

-- Notice of appeal and certified copy of docket to USCA:
[212-1] appeal by West Publishing Co. ; Copy of notice
of appeal sent to District Judge. (sb)

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BOND #6091904 in the sum of \$ 813,724.25 entered by West
Publishing Co. (sn) [Entry date 07/25/01]