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## General Docket

### US Court of Appeals for the Second Circuit

Second Circuit Court of  
Appeals

LEAD

DISPOSED

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

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

Appeal SDNY (NEW YORK CITY)  
from:

Case type information:

Civil

Private

None

Lower court information:

District: M21-90

Trial Judge: George Daniels

MagJudge:

Date Filed: 12/11/00

Date order/judgement: 9/28/2005

Date NOA filed: 10/24/2005

Fee status: Due

Panel Assignment:

Panel: RKW JMW CJS 500 Pearl

Date of decision: 8/17/11

Prior cases: NONE

Current cases NONE

Official Caption 1/

Docket as of November 18, 2011 11:41 pm

Page 1

□

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

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

Objectors-Appellants,

v

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

Defendants-Appellees,

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

Plaintiffs-Appellees,

Edward Roeder

Appellant.

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Authorized Abbreviated Caption 2/  
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Docket No. [s] : 05-5943 -cv

In Re: Literary Works in Electronic Databases Copyright  
Litigation v.  
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 -----  
 1/ Fed. R. App. P. Rule 12 [a] and 32 [a].  
 2/ For use on correspondence and motions only.

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Knight Ridder Inc.

Defendant-Appellee

American Society of Journalists and Authors Plaintiff-Appellee	Annie Marie J. DeBartolomeo Esq. [ ret ] Girard, Gibbs & De Bartolomeo LLP 601 California St. San Francisco , CA , 94108  415-981-4800
--	---

Andrea Dworkin Plaintiff-Appellee	Annie Marie J. DeBartolomeo Esq. (See above) [ ret ]
--------------------------------------	--

Authors Guild, Inc. Plaintiff-Appellee	Annie Marie J. DeBartolomeo Esq. (See above) [ ret ]
---	--

Donald Spoto Plaintiff	Annie Marie J. DeBartolomeo Esq. (See above) [ ret ]
---------------------------	--

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E. L. Doctorow Plaintiff-Appellee	Annie Marie J. DeBartolomeo Esq. (See above) [ ret ]
--------------------------------------	--

Gerald Posner Plaintiff	Annie Marie J. DeBartolomeo Esq. (See above) [ ret ]
----------------------------	--

James Gleick	Annie Marie J. DeBartolomeo Esq. (See above)
--------------	---

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

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

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

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

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DISPOSED

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

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

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

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

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

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

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

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

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

1585 Broadway  
New York , NY , 10036

212-969-3950

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

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

33 Riverside Ave  
Westport , CT , 06880

203-222-0885

American Society of  
Journalists and Authors  
Plaintiff-Appellee

Diane Rice Esq.  
[ ret ]  
Hosie Rice LLP

The Transamerica Pyramid 600,

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☐ LEAD  
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San Francisco , CA , 94111oor  
415-247-6000

Andrea Dworkin  
Plaintiff-Appellee

Diane Rice Esq.(See above)  
[ ret ]

Authors Guild, Inc.  
Plaintiff-Appellee

Diane Rice Esq.(See above)  
[ ret ]

Donald Spoto  
Plaintiff

Diane Rice Esq.(See above)  
[ ret ]

E. L. Doctorow  
Plaintiff-Appellee

Diane Rice Esq.(See above)  
[ ret ]

Gerald Posner  
Plaintiff

Diane Rice Esq.(See above)  
[ ret ]

James Gleick  
Plaintiff

Diane Rice Esq.(See above)  
[ ret ]

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☐ LEAD  
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Jay Feldman  
Plaintiff

Diane Rice Esq.(See above)  
[ ret ]

Letty Cottin Pogrebin  
Plaintiff

Diane Rice Esq.(See above)  
[ ret ]

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

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□ LEAD  
DISPOSED

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

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□ LEAD  
DISPOSED

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

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

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□ LEAD  
DISPOSED

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

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□ LEAD  
DISPOSED

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

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□ LEAD  
DISPOSED

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

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

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

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

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

Dow Jones Reuters Business Interactive, LLC  
 Defendant-Appellee Henry B. Gutman Esq.  
 [ LD ret ]  
 Simpson Thacher & Bartlett LLP  
 425 Lexington Avenue  
 New York , NY , 10017  
 212-455-3180

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 LEAD  
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Knight Ridder Digital Ian C. Ballon Esq.  
 Defendant-Appellee [ LD ret ]  
 Greenberg Traurig LLP  
 2450 Colorado Avenue  
 Santa Monica , CA , 90404  
 310-586-6575

Mediastream, Inc. Ian C. Ballon Esq. (See above)  
 Defendant-Appellee [ LD ret ]

Edward Roeder James B. Wilcox Esq.  
 Appellant [ ret ]  
 James B. Wilcox, Jr., PLLC

2900 P. Street NW  
Washington , DC , 20007

Dialog Corporation

James F. Rittinger Esq.

Defendant-Appellee

[ LD ret ]  
Satterlee Stephens Burke & Burke

230 Park Ave.  
New York , NY , 10169

212-818-9200

Gale Group, Inc.

James F. Rittinger Esq.(See  
above)

Defendant-Appellee

[ LD ret ]

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Thomson Corporation

James F. Rittinger Esq.(See  
above)

Defendant-Appellee

[ LD ret ]

West Publishing Company, Inc.

James F. Rittinger Esq.(See  
above)

Defendant-Appellee

[ LD ret ]

Dow Jones & Company, Inc.

James L. Hallowell Esq.

Defendant-Appellee

[ LD ret ]  
Gibson, Dunn & Crutcher

200 Park Ave.  
New York , NY , 10166

212-351-3804

New York Times Company

Kenneth Richieri Esq.

Defendant-Appellee

[ LD ret ]  
The New York Times Company

620 8th Avenue  
New York , NY , 10018

212-556-1995

Copley Press, Inc.

Kristen McCallion Esq.

Defendant-Appellee

[ LD ret ]  
Fish & Richardson, P.C.

601 Lexington Avenue, Floor 52

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□	LEAD  DISPOSED
	New York , NY , 10002  212-641-2261
Union-Tribune Publishing Company Defendant-Appellee	Kristen McCallion Esq. (See above) [ LD ret ]
ProQuest Company  Defendant-Appellee	Matthew W Walch Esq.  [ LD ret ] Latham & Watkins LLP
	233 South Wacker Drive Chicago , IL , 60606  312-876-7700
EBSCO Industries, Inc.  Defendant-Appellee	Michael Denniston Esq.  [ LD ret ] Bradley, Arant, Rose & White
	1819 Fifth Avenue North Birmingham , AL , 35203  205-521-8244
American Society of Journalists and Authors Plaintiff-Appellee	Michael J. Boni Esq.  [ ret ] Boni & Zack LLC
	15 Saint Asaphs Road Bala Cynwyd , PA , 19004  610-822-0200

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□	LEAD  DISPOSED
Andrea Dworkin  Plaintiff-Appellee	Michael J. Boni Esq. (See above)  [ ret ]
Authors Guild, Inc.  Plaintiff-Appellee	Michael J. Boni Esq. (See above)  [ ret ]
Donald Spoto  Plaintiff	Michael J. Boni Esq. (See above)  [ ret ]

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

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

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□ LEAD  
DISPOSED

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

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

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DISPOSED

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

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

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

11/28/05 Notice of appeal acknowledgment letter from

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

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

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

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

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

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

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

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

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

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

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7 2005 ] [JC]

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

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

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

[Entry date Dec 23 2005 ] [JC]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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DISPOSED

[VM]

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

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

□

LEAD

DISPOSED

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

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

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

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

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□ LEAD

DISPOSED

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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date Jul 20 2006 ] [JC]

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

[JC]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Entry date Mar 25 2007 ] [RD]

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

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

date Dec 7 2007 ] [LY]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mar 13 2009 ] [ML]

- 7/23/09 Letter dated 07/21/2009 received from the Supreme Court of the United States, William K. Suter, Clerk, in re: pursuant to rule 12.7, request to certify and transmit immediately the entire record. [Entry date Jul 24 2009 ] [ML]
- 7/27/09 Acco file to Supreme Court. [Entry date Jul 27 2009 ] [ML]
- 8/3/09 Letter dated 08/03/2009 received from Kenneth A. Richieri, Esq., in re: address change. [Entry date Aug 3 2009 ] [ML]
- 8/3/09 Request for address change for Kenneth A. Richieri, Esq. [Entry date Aug 3 2009 ] [ML]
- 8/13/09 Receipt of certified proceeding of USCA to Supreme Court Received. [Entry date Aug 13 2009 ] [ML]
- 8/25/09 ORDER FILED recalling mandate "A mandate having issued on April 28, 2008 in the above captioned matter, and a petition for a writ of certiorari having been filed in the United States Supreme Court on July 22, 2008, and writ of certiorari having been GRANTED on March 2, 2009, IT IS HEREBY ORDERED that the mandate in this case is recalled, restoring jurisdiction to this Court." (ML) [Entry date Aug 25 2009 ] [ML]
- 8/25/09 Letter sent to district court recalling mandate. [Entry date Aug 25 2009 ] [ML]
- 8/25/09 Notice to counsel in re: Order filed 08/25/2009. [Entry date Aug 25 2009 ] [ML]
- 8/25/09 Certified copy of the order, 08/25/2009 issued to the district court, [informational only]. [Entry date Aug 25 2009 ] [ML]
- 3/5/10 U.S. SUPREME COURT LETTER, dated 03/02/2010, enclosing opinion, filed. Supreme Court #: 08-103. [Entry date Mar 8 2010 ] [ML]

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- 3/5/10 U.S. SUPREME COURT, opinion, FILED. [Entry date Mar 8 2010 ] [ML]
- 3/24/10 Notice to counsel in re: Order filed

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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DISPOSED

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

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

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

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

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

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

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

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

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

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

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

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[Entry date Aug 17 2011 ] [YS]

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

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

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

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

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

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

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

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

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

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