

No. 21-147

In the Supreme Court of the United States

ERIK EGBERT,
Petitioner,
v.

ROBERT BOULE,
Respondent.

ON WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

**[REDACTED FOR PUBLIC FILING]
JOINT APPENDIX**

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PETITION FOR A WRIT OF CERTIORARI FILED: JULY 30, 2021
CERTIORARI GRANTED: NOVEMBER 5, 2021

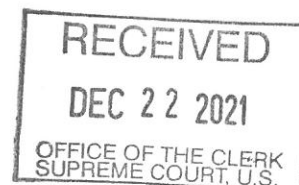


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**GENERAL DOCKET
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Court of Appeals Docket #: 18-3579

* * *

09/20/2018	1 (16 pgs)	DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. SEND MQ: Yes. The schedule is set as follows: Mediation Questionnaire due on 09/27/2018. Transcript ordered by 10/22/2018. Transcript due 11/19/2018. Appellant Robert Boule opening brief due 12/31/2018. Appellees Erik Egbert and Jane Doe Egbert answering brief due 01/28/2019. Appellant's optional reply brief is due 21 days after service of the answering brief. [11019908] (KM) [Entered: 09/20/2018 04:07 PM]
09/26/2018	2 (2 pgs)	Filed (ECF) notice of appearance of Nicole C. Carsley for Appellee Erik Egbert. Date of service: 09/26/2018. [11025678] [18-35789] (Carsley, Nicole) [Entered: 09/26/2018 09:09 AM]
09/26/2018	3	Added attorney Nicole C. Carsley for Erik Egbert, in case 18-35789. [11025703] (QDL) [Entered: 09/26/2018 09:19 AM]
09/27/2018	4	Filed (ECF) Appellant Robert

- (3 pgs) Boule Mediation Questionnaire.
Date of service: 09/27/2018.
[11027628] [18-35789] (Beggs,
Breean) [Entered: 09/27/2018 01:08
PM]
- 09/28/2018 5 MEDIATION CONFERENCE
(5 pgs) SCHEDULED-Assessment Con-
ference, 10/11/2018, 1:00 p.m. PA-
CIFIC Time. The briefing sched-
ule previously set by the court re-
mains in effect. See order for in-
structions and details. [11029368]
(LW) [Entered: 09/28/2018 03:52
PM]
- 10/16/2018 6 MEDIATION ORDER FILED:
(1 pg) This case is RELEASED from the
Mediation Program. Counsel are
requested to contact the Circuit
Mediator should circumstances de-
velop that warrant further settle-
ment discussions. The briefing
schedule previously established by
the court remains in effect.
[11048545] (LW) [Entered:
10/16/2018 11:54 AM]
- 11/29/2018 7 Filed (ECF) Streamlined request
for extension of time to file Opening
Brief by Appellant Robert Boule.
New requested due date is
01/30/2019. [11103601] [18-35789]
(Boos, Gregory) [Entered:
11/29/2018 02:22 PM]
- 11/29/2018 8 Streamlined request [7] by

Appellant Robert Boule to extend time to file the brief is approved. Amended briefing schedule: Appellant Robert Boule opening brief due 01/30/2019. Appellees Erik Egbert and Jane Doe Egbert answering brief due 03/01/2019. The optional reply brief is due 21 days from the date of service of the answering brief. [11104026] (Witt, Dusty) [Entered: 11/29/2018 04:35 PM]

12/19/2018	9 (3 pgs)	Filed (ECF) Appellee Erik Egbert Correspondence: Notice of Change of Firm and Address. Date of service: 12/19/2018 [11126847] [18-35789] (Grindeland, Geoffrey) [Entered: 12/19/2018 03:17 PM]
1/30/2019	10 (75 pgs)	Submitted (ECF) Opening Brief for review. Submitted by Appellant Robert Boule. Date of service: 01/30/2019. [11173130] [18-35789] (Boos, Gregory) [Entered: 01/30/2019 02:05 PM]
01/30/2019	11	Filed (ECF) UNDER SEAL Appellant Robert Boule motion to file document under seal and submit sealed document. Type of document: other (Exhibit A to Motion; Appellant's Opening Brief (unredacted); Excerpts of Record volume 2; Excerpts of Record volume 3). Date of service: 01/30/2019. [11173181] [18-35789]-[COURT

UPDATE: Attached corrected PDF of motion. 01/31/2019 by RY] (Boos, Gregory) [Entered: 01/30/2019 02:36 PM]

- | | | |
|------------|----|---|
| 01/30/2019 | 12 | Submitted (ECF) excerpts of record. Submitted by Appellant Robert Boule. Date of service: 01/30/2019. [11173184] [18-35789] (Boos, Gregory) [Entered: 01/30/2019 02:37 PM] |
| 02/06/2019 | 13 | Submitted (ECF) Amicus brief for review and filed Motion to become amicus curiae. Submitted by Northwest Immigrant Rights Project and the American Immigration Council. Date of service: 02/06/2019. [11181784] [18-35789] (Adams, Matt) [Entered: 02/06/2019 04:23 PM] |
| 02/07/2019 | 14 | Entered appearance of Amici Curiae–Pending Northwest Immigrant Rights Project (NWIRP) and American Immigration Council. [11182583] (GV) [Entered: 02/07/2019 12:14 PM] |
| 02/08/2019 | 15 | Filed (ECF) notice of appearance of Trina Realmuto for Amicus Curiae–Pending American Immigration Council. Date of service: 02/08/2019. (Party previously proceeding without counsel: No) [11183410] [18-35789] (Realmuto, Trina) [Entered: 02/08/2019 05:20] |

AM]

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|------------|----------------|--|
| 02/08/2019 | 16 | Added attorney Trina A. Realmuto for American Immigration Council, in case 18-35789. [11183746] (NAC) [Entered: 02/08/2019 09:55 AM] |
| 02/11/2019 | 17 | Filed (ECF) UNDER SEAL Appellee Erik Egbert motion to file document under seal and submit sealed document. Type of document: other (Response to Appellant's Motion to Seal (Dkt. 11)). Date of service: 02/11/2019. [11186032] [18-35789]-[COURT UPDATE: Attached corrected motion and updated docket text to reflect correct ECF filing type. 02/12/2019 by SLM] (Carsley, Nicole) [Entered: 02/11/2019 02:37 PM] |
| 02/19/2019 | 18
(2 pgs) | Filed clerk order (Deputy Clerk: LKK): Motion (ECF Filing) is referred to panel.; Motion (ECF Filing) motion [13] to become amicus is referred to panel. (see attached PDF for complete order addressing Dkt No. 13) [11198695] (LKK) [Entered: 02/19/2019 10:01 AM] |
| 02/19/2019 | 19
(16 pgs) | Filed Appellant Robert Boule motion to file unredacted opening brief and Volumes 2 and 3 of the excerpts of record UNDER SEAL. Deficiencies: None. Served on 01/30/2019. (Court-entered filing of |

motion submitted under seal at [11])
[11199549] (AF) [Entered:
02/19/2019 02:15 PM]

02/19/2019 20 Filed Appellee Erik Egbert motion
(15 pgs) to seal the response to appellant's
motion to seal. Deficiencies: None.
Served on 02/11/2019. (Court-en-
tered filing of motion submitted un-
der seal at [17]) [11199568] (AF)
[Entered: 02/19/2019 02:19 PM]

02/19/2019 21 Filed order (Appellate Commis-
(2 pgs) sioner): Appellant's motion (Docket
Entry No. [11]) to file the unre-
dacted opening brief and Volumes 2
and 3 of the excerpts of record un-
der seal is granted in part, to the ex-
tent that the sealed volumes con-
tain material required by law to re-
main sealed, such as personnel rec-
ords, and is otherwise denied with-
out prejudice to renewal. Any re-
newed motion must be filed within
21 days after the date of this order
and must include a detailed descrip-
tion of each document in the sealed
volumes for which sealing is re-
quested and the specific bases for
each sealing request. The renewed
motion shall also address whether
redaction of the sealed documents
is feasible. If no renewed motion is
filed, appellant shall instead pub-
licly submit redacted versions of
the sealed volumes, which redact

only those personnel records required by law to be maintained under seal. Appellee's motion (Docket Entry No. [17]) to seal the response to appellant's motion to seal is denied, as the response does not appear to contain any sealed material. The Clerk shall publicly file appellant's motion to seal and Exhibit A at DE [11] and appellee's motion to seal and response to appellant's motion at DE [17]. The Clerk shall maintain under seal the unredacted opening brief and Volumes 2 and 3 of the excerpts of record pending the filing of a renewed motion to seal or the public submission of redacted volumes pursuant to this order. The motion (Docket Entry No. [13]) to become amicus curiae will be addressed by separate order. (Sealed Documents) [11199637] (AF) [Entered: 02/19/2019 02:30 PM]

02/19/2019	22 (6 pgs)	Filed (ECF) Appellee Erik Egbert response to motion ([13] Motion (ECF Filing), [13] Motion (ECF Filing)). Date of service: 02/19/2019. [11199764] [18-35789] (Carsley, Nicole) [Entered: 02/19/2019 02:45 PM]
02/19/2019	23	Filed (ECF) UNDER SEAL Appellant Robert Boule motion to file document under seal and submit

sealed document. Type of document: other (1. MOTION TO SEAL APPELLANT'S REPLY TO APPELLEE'S RESPONSE TO APPELLANT'S MOTION TO SEAL 2. PLAINTIFF-APPELLANT'S REPLY TO APPELLEE'S RESPONSE TO APPELLANT'S MOTION TO SEAL). Date of service: 02/19/2019. [11200174] [18-35789]-[COURT UPDATE: Attached corrected PDF of reply. 02/20/2019 by RY] (Boos, Gregory) [Entered: 02/19/2019 05:02 PM]

02/21/2019 24 Filed (ECF) Streamlined request for extension of time to file Answering Brief by Appellee Erik Egbert. New requested due date is 04/01/2019. [11203434] [18-35789] (Carsley, Nicole) [Entered: 02/21/2019 04:34 PM]

02/21/2019 25 **Streamlined request [24] by Appellee Erik Egbert to extend time to file the brief is approved. Amended briefing schedule: Appellees Erik Egbert and Jane Doe Egbert answering brief due 04/01/2019. The optional reply brief is due 21 days from the date of service of the answering brief.** [11203478] (JN) [Entered: 02/21/2019 04:45 PM]

02/22/2019	26 (6 pgs)	Filed (ECF) Amici Curiae - Pending American Immigration Council and NWIRP reply to response (motion to become amicus,). Date of service: 02/21/2019. [11204835] [18-35789] (Realmuto, Trina) [Entered: 02/22/2019 02:34 PM]
02/25/2019	27	Received 7 paper copies of Amicus Brief [13] filed by American Immigration Council and NWIRP. [11205926] (RG) [Entered: 02/25/2019 11:05 AM]
03/12/2019	28 (485 pgs)	Submitted (ECF) excerpts of record. Submitted by Appellant Robert Boule. Date of service: 03/12/2019. [11225391] [18-35789] (Boos, Gregory) [Entered: 03/12/2019 08:07 PM]
03/12/2019	29	Filed (ECF) UNDER SEAL Appellant Robert Boule motion to file document under seal and submit sealed document. Type of document: other (RENEWED MOTION TO FILE BRIEF AND EXCERPTS OF RECORD VOL 2 AND 3 UNDER SEAL). Date of service: 03/12/2019. [11225395] [18-35789]-[COURT UPDATE: Attached corrected PDF of motion and exhibit. 03/14/2019 by RY] (Boos, Gregory) [Entered: 03/12/2019 08:55 PM]
03/22/2019	30	Filed (ECF) UNDER SEAL

Appellee Erik Egbert motion to file document under seal and submit sealed document. Type of document: other (Appellee's Response to Appellant's Renewed Motion to Seal). Date of service: 03/22/2019. [11239922] [18-35789] (Carsley, Nicole) [Entered: 03/22/2019 04:37 PM]

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|------------|----------------|---|
| 04/01/2019 | 31 | Filed (ECF) UNDER SEAL Appellant Robert Boule motion to maintain document under seal. Date of service: 04/01/2019. [11249294] [18-35789]—[COURT UPDATE: Updated docket text to reflect correct ECF filing type. 4/2/2019 by TYL] (Boos, Gregory) [Entered: 04/01/2019 06:02 PM] |
| 04/01/2019 | 32
(3 pgs) | Filed (ECF) Appellee Erik Egbert Motion to transmit exhibit. Date of service: 04/01/2019. [11249328] [18-35789] (Carsley, Nicole) [Entered: 04/01/2019 09:19 PM] |
| 04/01/2019 | 33
(65 pgs) | Submitted (ECF) supplemental excerpts of record. Submitted by Appellee Erik Egbert. Date of service: 04/01/2019. [11249331] [18-35789]—[COURT UPDATE: Attached corrected excerpts of record. 04/03/2019 by SLM] (Carsley, Nicole) [Entered: 04/01/2019 09:27 PM] |
| 04/01/2019 | 34 | Filed (ECF) UNDER SEAL |

Appellee Erik Egbert motion to file document under seal and submit sealed document. Type of document: other (SER Vol 2 and Answering Brief). Date of service: 04/01/2019. [11249332] [18-35789]-[COURT UPDATE: Attached corrected motion and excerpts of record. 04/03/2019 by SLM] (Carsley, Nicole) [Entered: 04/01/2019 09:32 PM]

04/01/2019 35 Submitted (ECF) Answering Brief (59 pgs) for review. Submitted by Appellee Erik Egbert. Date of service: 04/01/2019. [11249334] [18-35789]-[COURT UPDATE: Attached corrected brief. 04/03/2019 by SLM] (Carsley, Nicole) [Entered: 04/01/2019 09:36 PM]

04/11/2019 36 Filed (ECF) UNDER SEAL Appellant Robert Boule motion to file document under seal and submit sealed document. Type of document: other (APPELLANTS RESPONSE TO APPELLEES APRIL 1, 2019 MOTION TO FILE HIS ANSWERING BRIEF AND SUPPLEMENTAL EXCERPT OF RECORD VOL 2 and DECLARATION OF GREG BOOS (WITH EXHIBITS) IN SUPPORT OF APPELLANTS RESPONSE TO APPELLEES APRIL 1, 2019 MOTION). Date of service: 04/11/2019.

[11261438] [18-35789] (Boos, Gregory) [Entered: 04/11/2019 05:08 PM]

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|------------|---------------|---|
| 04/18/2019 | 37
(3 pgs) | Filed (ECF) Appellee Erik Egbert reply to response (). Date of service: 04/18/2019. [11268634] [18-35789] (Grindeland, Geoffrey) [Entered: 04/18/2019 12:00 PM] |
| 04/18/2019 | 38 | Filed (ECF) UNDER SEAL Appellee Erik Egbert motion to maintain document under seal. Date of service: 04/18/2019. [11268690] [18-35789]-[COURT UPDATE: Updated docket text to reflect correct ECF filing type. 04/18/2019 by SLM] (Grindeland, Geoffrey) [Entered: 04/18/2019 12:20 PM] |
| 04/22/2019 | 39 | Filed (ECF) UNDER SEAL Appellant Robert Boule motion to file document under seal and submit sealed document. Type of document: Reply brief. Date of service: 04/22/2019. [11272267] [18-35789]-[COURT UPDATE: Edited docket text to reflect correct filing type. Attached corrected PDF of motion, declaration, and brief. 04/24/2019 by RY] (Boos, Gregory) [Entered: 04/22/2019 01:51 PM] |
| 04/22/2019 | 40 | Filed (ECF) UNDER SEAL Appellant Robert Boule motion to file document under seal and submit |

sealed document. Type of document: excerpts of record. Date of service: 04/22/2019. [11272277] [18-35789]-[COURT UPDATE: Edited docket text to reflect correct filing type. Attached PDF of motion and declaration. 04/24/2019 by RY] (Boos, Gregory) [Entered: 04/22/2019 01:54 PM]

04/23/2019 41 Filed order (WILLIAM A. (2 pgs) FLETCHER and PAUL J. WATFORD) Appellant's renewed motion (Docket Entry No. [29]) to file the unredacted opening brief and Volumes 2 and 3 of the excerpts of record under seal is granted. Appellant's motion (Docket Entry No. [23]) to file under seal the reply to the original motion to seal is granted. Appellee's motion (Docket Entry No. [34]) to seal the unredacted answering brief and Volume 2 of the supplemental excerpts of record is granted. Appellant's request (Docket Entry No. [36]) to expand appellee's motion to include additional sealed material is granted. The Clerk shall maintain the following motions, responses, and replies under seal: DE [23], DE [29], DE [30], DE [31], DE [36], and DE [38]. The Clerk shall publicly file appellant's motion to seal the reply (DE [23]); appellee's motion to seal (DE [34]), the redacted

opening brief (DE [10]), Volume 1 of the excerpts of record (DE [12]), the redacted Volumes 2 and 3 of the excerpts of record (DE [28]), the redacted answering brief (DE [35]), and Volume 1 of the supplemental excerpts of record (DE [33]). The Clerk shall file under seal the unredacted opening brief (DE [11]), the unredacted Volumes 2 and 3 of the excerpts of record (DE [11] and [11]), the unredacted answering brief (DE [34]); and Volume 2 of the supplemental excerpts of record (DE [34]). No further redacted versions are required, and no paper copies of any redacted versions filed pursuant to this order shall be required. The motion to transmit a physical exhibit (Docket Entry No. [32]) is granted. Counsel shall submit four copies of the DVD within seven days of the date of this order. The optional reply brief remains due 21 days after service of the answering brief. [11274500] (HC) [Entered: 04/23/2019 04:35 PM]

04/23/2019 42 Filed Appellant Robert Boule motion to file document under seal and submit sealed document UNDER SEAL. Deficiencies: None. Served on 02/19/2019. (Court entered filing of motion submitted under seal at [23]) [11274723]-[COURT UPDATE:

Backdated entry to reflect correct filing date. 4/24/2019 by TYL] (HC) [Entered: 04/24/2019 08:48 AM]

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|------------|----|---|
| 04/23/2019 | 43 | <p>Filed Appellee Erik Egbert motion (3 pgs) to file document under seal and submit sealed document (SER Vol 2 and Answering Brief) UNDER SEAL. Deficiencies: None. Served on 04/01/2019. (Court entered filing of motion submitted under seal at [34]) [11274748]–[COURT UPDATE: Backdated entry to reflect correct filing date. 4/24/2019 by TYL] (HC) [Entered: 04/24/2019 08:55 AM]</p> |
| 04/23/2019 | 45 | <p>Submitted (ECF) UNDER SEAL Unredacted Opening Brief for review. Submitted by Appellant Robert Boule. Date of service: 01/30/2019. (Court-entered filing, brief originally submitted in [11].) [11274786]– [COURT UPDATE: Backdated entry to reflect correct filing date. 4/24/2019 by TYL] (HC) [Entered: 04/24/2019 09:07 AM]</p> |
| 04/23/2019 | 46 | <p>Submitted (ECF) UNDER SEAL Unredacted excerpts of record Volume 2 & 3. Submitted by Appellant Robert Boule. Date of service: 01/30/2019. (Court-entered filing, excerpts of record originally submitted in [11].) [11274994] (HC) [Entered: 04/24/2019 10:19 AM]</p> |

04/23/2019	47	Submitted (ECF) UNDER SEAL Answering Brief for review. Submitted by Appellee Erik Egbert. Date of service: 04/01/2019. (Court-entered filing, brief originally submitted in [34].) [11275022] (HC) [Entered: 04/24/2019 10:25 AM]
04/23/2019	48	Submitted (ECF) UNDER SEAL supplemental excerpts of record Volume 2. Submitted by Appellee Erik Egbert. Date of service: 04/01/2019. (Court-entered filing, excerpts of record originally submitted in [34].) [11275042] (HC) [Entered: 04/24/2019 10:31 AM]
04/24/2019	44	Deleted Incorrect Entry. Entered in error. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: [10]. Original Text: Submitted (ECF) Opening Brief for review. Submitted by Appellant Robert Boule. Date of service: 01/30/2019. (Court-entered filing, brief originally submitted in [11].) [11274760] (HC) [Entered: 04/24/2019 08:59 AM]
04/24/2019	49 (2 pgs)	Filed clerk order: The opening brief [45] submitted by Robert Boule is filed UNDER SEAL. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification (attached to

the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: blue. The Court has reviewed the excerpts of record [12], [46] submitted by Robert Boule. Within 7 days of this order, filer is ordered to file 4 copies of the excerpts in paper format securely bound on the left side, with white covers. The paper copies shall be submitted to the principal office of the Clerk. [11276014] (GV) [Entered: 04/24/2019 03:19 PM]

04/24/2019 50 Filed clerk order: The REDACTED opening brief [10] and REDACTED excerpts of record Volumes 2 and 3 [28] submitted by Robert Boule are filed. No paper copies are required at this time. [11276072] (GV) [Entered: 04/24/2019 03:34 PM]

04/24/2019 51 Filed clerk order: The answering (2 pgs) brief [47] submitted by Erik Egbert is filed UNDER SEAL. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: red. The Court has reviewed the supplemental excerpts

of record [33], [48] submitted by Erik Egbert. Within 7 days of this order, filer is ordered to file 4 copies of the excerpts in paper format securely bound on the left side, with white covers. The paper copies shall be submitted to the principal office of the Clerk. [11276128] (GV) [Entered: 04/24/2019 03:54 PM]

04/24/2019 52 Filed clerk order: The RE-
(1 pg) DACTED answering brief [35] submitted by Erik Egbert is filed. No paper copies are required at this time. [11276141] (GV) [Entered: 04/24/2019 03:58 PM]

04/29/2019 53 Filed (ECF) UNDER SEAL Appellee Erik Egbert motion to file document under seal and submit sealed document. Type of document: other (Physical exhibit (DVD) referenced in Dkt. 41). Date of service: 04/29/2019. [11281266] [18-35789] (Carsley, Nicole) [Entered: 04/29/2019 07:06 PM]

04/29/2019 58 ENTRY UPDATED. Received Appellee Erik Egbert's physical exhibits UNDER SEAL consisting in four copies of a DVD containing Exhibit B (SER 260) to Agent Egbert's July 5, 2018, declaration. Deficient: Motion to seal pending. Sent to shelf. [11284061]--[Edited 05/02/2019 by GV to correct party filer] (GV) [Entered: 05/01/2019]

05:19 PM]

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| 04/30/2019 | 54 | Received 7 paper copies of Answering Brief [47] filed Under Seal by Erik Egbert. [11281822] (RG) [Entered: 04/30/2019 10:56 AM] |
| 04/30/2019 | 55 | Filed four paper copies of supplemental excerpts of record [33], [48] in 2 volume(s) (Volume 2 UNDER SEAL) filed by Appellee Erik Egbert. [11281888] (GV) [Entered: 04/30/2019 11:12 AM] |
| 05/01/2019 | 56 | Received 7 paper copies of Opening Brief [45] filed Under Seal by Robert Boule. [11283470] (RG) [Entered: 05/01/2019 01:02 PM] |
| 05/01/2019 | 57 | Filed four paper copies of excerpts of record [12], [46] in 3 volume(s) (Volumes 2 and 3 UNDER SEAL) filed by Appellant Robert Boule. [11284044] (GV) [Entered: 05/01/2019 05:03 PM] |
| 05/02/2019 | 59
(3 pgs) | Filed (ECF) Appellee Erik Egbert response to motion ([40] Motion (Seal) (ECF Filing), [39] Motion (Seal) (ECF Filing)). Date of service: 05/02/2019. [11285348] [18-35789] (Carsley, Nicole) [Entered: 05/02/2019 04:39 PM] |
| 05/07/2019 | 60
(3 pgs) | Filed Appellees Erik Egbert and Jane Doe Egbert motion to seal physical exhibits. Deficiencies: None. Served on 04/29/2019. (Court-entered filing of motion |

submitted under seal at [53])
 [11289943] (AF) [Entered:
 05/07/2019 04:26 PM]

05/07/2019 61 Filed order (Appellate Commis-
 (2 pgs) sioner): Appellant's motions
 (Docket Entry Nos. [39] and [40]) to
 file the unredacted reply brief and
 Volume 4 of the excerpts of record
 under seal are granted. Appellees'
 motion (Docket Entry No. [53]) to
 submit the physical exhibits under
 seal is granted. The Clerk shall
 publicly file the motion to seal phys-
 ical exhibits (DE [53]), but shall
 maintain under seal the motions to
 seal the reply brief and excerpts,
 and their accompanying declara-
 tions (DE [39] and [40]). The Clerk
 shall maintain under seal the phys-
 ical exhibits received on April 29,
 2019 (referenced at DE [58]), and
 shall file the unredacted reply brief
 (DE [39]) and Volume 4 of the ex-
 cerpts of record (DE [40]) under
 seal. Within 7 days after the date of
 this order, appellant shall submit
 for public filing a redacted reply
 brief and a redacted Volume 4, or
 shall submit a response explaining
 why redactions are not feasible.
 This appeal is fully briefed. (Sealed
 Documents) [11289948] (AF) [En-
 tered: 05/07/2019 04:28 PM]

05/07/2019 62 Submitted (ECF) UNDER SEAL

unredacted Reply Brief for review. Submitted by Appellant Robert Boule. Date of service: 04/22/2019. (Court-entered filing, brief originally submitted in [39].) [11289950] (AF) [Entered: 05/07/2019 04:30 PM]

05/07/2019 63 Submitted (ECF) UNDER SEAL unredacted excerpts of record Vol 4. Submitted by Appellant Robert Boule. Date of service: 04/22/2019. (Court-entered filing, excerpts of record originally submitted in [40].) [11289961]—Edited: updated docket text to reflect correct excerpts type. 05/14/2019 by RY] (AF) [Entered: 05/07/2019 04:36 PM]

05/07/2019 64 ENTRY UPDATED. ORIGINAL
(2 pgs) TEXT: Filed clerk order: The reply brief [62] submitted by Robert Boule is filed UNDER SEAL. Filed clerk order: The reply brief [66] submitted by Robert Boule is filed UNDER SEAL. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: gray. The Court has reviewed the excerpts of record [63] submitted

by Robert Boule. Within 7 days of this order, filer is ordered to file 4 copies of the excerpts in paper format securely bound on the left side, with white covers. The paper copies shall be submitted to the principal office of the Clerk. [11289997]–[Edited 05/14/2019 by GV to correct ER type] (GV) [Entered: 05/07/2019 04:50 PM]

05/07/2019 65 Filed Appellee Erik Egbert's physical exhibits UNDER SEAL consisting in four copies of a DVD containing Exhibit B (SER 260) to Agent Egbert's July 5, 2018, declaration. Sent to Records. [11290010] (GV) [Entered: 05/07/2019 04:55 PM]

05/12/2019 66 Submitted (ECF) Reply Brief for
(39 pgs) review. Submitted by Appellant Robert Boule. Date of service: 05/12/2019. [11294181] [18-35789]–[COURT UPDATE: Attached corrected PDF of brief. 05/13/2019 by RY] (Boos, Gregory) [Entered: 05/12/2019 05:54 PM]

05/12/2019 67 Submitted (ECF) excerpts of rec-
(249 ord. Submitted by Appellant Rob-
pgs) ert Boule. Date of service: 05/12/2019. [11294182] [18-35789]–[COURT UPDATE: Attached corrected PDF of excerpts. 05/13/2019 by RY]– [Edited: updated docket text to reflect correct

excerpts type. 05/14/2019 by RY]
 (Boos, Gregory) [Entered:
 05/12/2019 05:57 PM]

05/13/2019 68 Received 7 paper copies of Reply
 Brief [62] filed Under Seal by Rob-
 ert Boule. [11294800] (RG) [En-
 tered: 05/13/2019 11:33 AM]

05/13/2019 69 Filed four paper copies of excerpts
 of record [63] in 1 volume(s) UN-
 DER SEAL filed by Appellant
 Robert Boule of Volume 4.
 [11295936] (GV) [Entered:
 05/13/2019 04:53 PM]

05/14/2019 70 Filed clerk order: The RE-
 (1 pg) DACTED reply brief [66] and RE-
 DACTED excerpts of record Vol-
 ume 4 [67] submitted by Robert
 Boule are filed. No paper copies
 are required at this time.
 [11296450] (GV) [Entered:
 05/14/2019 10:32 AM]

08/20/2019 71 Filed clerk order (Deputy Clerk:
 (1 pg) HL): The court stays proceedings
 in this appeal pending the issuance
 of a decision by the United States
 Supreme Court in Hernandez v.
 Mesa, 17-1678; or upon further or-
 der of this court. [11404032] (HC)
 [Entered: 08/20/2019 02:21 PM]

06/16/2020 72 This case is being considered for an
 upcoming oral argument calendar
 in Seattle

Please review the Seattle sitting dates for October 2020 and the 2 subsequent sitting months in that location at http://www.ca9.uscourts.gov/court_sessions. If you have an unavoidable conflict on any of the dates, please file **Form 32 within 3 business days of this notice** using the CM/ECF filing type **Response to Case Being Considered for Oral Argument**. Please follow the form's instructions carefully.

When setting your argument date, the court will try to work around unavoidable conflicts; the court is not able to accommodate mere scheduling preferences. You will receive notice that your case has been assigned to a calendar approximately 10 weeks before the scheduled oral argument date. If the parties wish to discuss settlement before an argument date is set, they should jointly request referral to the mediation unit by filing a letter within 3 business days of this notice, using CM/ECF (**Type of Document:** Correspondence to Court; **Subject:** request for mediation). [11723420]. [18-35789] (AW) [Entered: 06/16/2020 11:42 AM]

6/18/2020

73 Filed (ECF) Attorney Mr. Breean
(1 pg) Lawrence Beggs for Appellant

Robert Boule response to notice for case being considered for oral argument. Date of service: 06/18/2020. [11726532] [18-35789] (Beggs, Breean) [Entered: 06/18/2020 03:20 PM]

07/26/2020 74 Notice of Oral Argument on Wednesday, October 7, 2020–09:00 A.M.–SE 7th Flr Courtroom 2–Scheduled Location: Seattle WA.

View the Oral Argument Calendar for your case [here](#).

NOTE: Although your case is currently scheduled for oral argument, the panel may decide to submit the case on the briefs instead. See Fed. R. App. P. 34. Absent further order of the court, if the court does determine that oral argument is required in this case, any argument may be held **remotely** with all of the judges and attorneys appearing by video or telephone. Travel to a courthouse will not be required. If the panel determines that it will hold oral argument, the Clerk's Office will be in contact with you directly at least two weeks before the set argument date to make any necessary arrangements for remote appearance.

Be sure to review the **GUIDELINES** for important information

about your hearing, including when to be available (30 minutes before the hearing time) and when and how to submit additional citations (filing electronically as far in advance of the hearing as possible).

If you are the specific attorney or self-represented party who will be arguing, use the **ACKNOWLEDGMENT OF HEARING NOTICE** filing type in CM/ECF no later than 21 days before Wednesday, October 7, 2020. No form or other attachment is required. If you will not be arguing, do not file an acknowledgment of hearing notice. [11766260]. [18-35789] (AW) [Entered: 07/26/2020 06:16 AM]

07/28/2020

75
(2 pgs)

Filed clerk order (Deputy Clerk: OC): The motion to become amicus curiae submitted by Northwest Immigrant Rights Project and the American Immigration Council on February 6, 2019, (Dkt. Entry [13]) is GRANTED. The Clerk shall file the brief submitted with the motion. Amici shall submit six paper copies of the brief within seven days of the filing of this order. The paper copies must have a green cover and be accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted

electronically. A sample certificate is available as Form 18 on the Court's website at <https://cdn.ca9.uscourts.gov/datas-tore/uploads/forms/form18.pdf>.

[11769854] (OC) [Entered: 07/28/2020 04:15 PM]

07/28/2020 76 Filed clerk order: The amicus brief (1 pg) [13] submitted by American Immigration Council and NWIRP is filed. A review of the Court's docket reflects the 7 paper copies of the brief were received on 02/25/2019 (see entry [27].) No additional paper copies are required. [11769995] (SML) [Entered: 07/28/2020 05:28 PM]

08/25/2020 77 Notice of Oral Argument on Wednesday, October 7, 2020–1:30 P.M.–SE 7th Flr Courtroom 2–Scheduled Location: Seattle WA.

The hearing time is the local time zone at the scheduled hearing location, even if the argument is fully remote.

View the Oral Argument Calendar for your case [here](#).

NOTE: Although your case is currently scheduled for oral argument, the panel may decide to submit the case on the briefs instead. See Fed. R. App. P. 34. Absent further order of the court, if the court does

determine that oral argument is required in this case, any argument may be held **remotely** with all of the judges and attorneys appearing by video or telephone. Travel to a courthouse will not be required. If the panel determines that it will hold oral argument, the Clerk's Office will be in contact with you directly at least two weeks before the set argument date to make any necessary arrangements for remote appearance.

Be sure to review the **GUIDELINES** for important information about your hearing, including when to be available (30 minutes before the hearing time) and when and how to submit additional citations (filing electronically as far in advance of the hearing as possible).

If you are the specific attorney or self-represented party who will be arguing, use the ACKNOWLEDGMENT OF HEARING NOTICE filing type in CM/ECF no later than 21 days before Wednesday, October 7, 2020. No form or other attachment is required. If you will not be arguing, do not file an acknowledgment of hearing notice. [11802176]. [18-35789] (AW) [Entered: 08/25/2020 01:39 PM]

- 08/27/2020 78 Filed (ECF) Acknowledgment of hearing notice by Attorney Mr. Geoffrey Martin Grindeland for Appellee Erik Egbert. Hearing in Seattle on 10/07/2020 at 1:30 P.M. (Courtroom: 7th Floor Courtroom 2). Filer sharing argument time: No. (Argument minutes: 15.) Special accommodations: NO. Filer admission status: I certify that I am admitted to practice before this Court. Date of service: 08/27/2020. [11804879] [18-35789] (Grindeland, Geoffrey) [Entered: 08/27/2020 12:03 PM]
- 08/28/2020 79 Filed (ECF) Acknowledgment of hearing notice by Attorney Mr. Breean Lawrence Beggs for Appellant Robert Boule. Hearing in Seattle on 10/07/2020 at 1:30 P.M. (Courtroom: Courtroom: 7th Floor Courtroom 2). Filer sharing argument time: Yes. (Argument minutes: 10.) Special accommodations: NO. Filer admission status: I certify that I am admitted to practice before this Court. Date of service: 08/28/2020. [11806482] [18-35789] (Beggs, Breean) [Entered: 08/28/2020 03:04 PM]
- 08/28/2020 80 Filed (ECF) Amici Curiae NWIRP
(3 pgs) and American Immigration Council Unopposed Motion for miscellaneous relief [Motion for leave by

Amici to participate in oral argument]. Date of service: 08/28/2020. [11806658] [18-35789] (Adams, Matt) [Entered: 08/28/2020 04:21 PM]

09/02/2020 81 Filed text clerk order (Deputy Clerk: OC): Amici Curiae's unopposed motion [80] to participate in oral argument, is granted. [11810481] (OC) [Entered: 09/02/2020 09:54 AM]

09/04/2020 82 Filed (ECF) Appellant Robert (10 pgs) Boule Unopposed Motion for miscellaneous relief [UNOPPOSED MOTION TO CLOSE ORAL ARGUMENT]. Date of service: 09/04/2020. [11814053] [18-35789] (Boos, Gregory) [Entered: 09/04/2020 02:59 PM]

09/04/2020 83 Filed (ECF) Appellant Robert (29 pgs) Boule Amended Motion for miscellaneous relief [UNOPPOSED MOTION TO CLOSE ORAL ARGUMENT]. Date of service: 09/04/2020. [11814195] [18-35789]--[COURT UPDATE: Attached sealed exhibits to the motion, originally submitted in [84]. 09/08/2020 by SML] (Boos, Gregory) [Entered: 09/04/2020 03:47 PM]

09/04/2020 84 Filed (ECF) UNDER SEAL Appellant Robert Boule motion to file

document under seal and submit sealed document. Type of document: other (MOTION TO FILE EXHIBIT TO PLAINTIFF-APPELLANTS MEMORANDUM ISO MOTION TO CLOSE ORAL ARGUMENT UNDER SEAL FILED UNDER SEAL-EXHIBIT TO MEMORANDUM IN SUPPORT OF MOTION TO CLOSE ORAL ARGUMENT). Date of service: 09/04/2020. [11814531] [18-35789] (Boos, Gregory) [Entered: 09/04/2020 07:38 PM]

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|------------|---------------|---|
| 09/08/2020 | 85
(4 pgs) | Filed Appellant Robert Boule motion to file memorandum in support of motion to close oral argument UNDER SEAL. Deficiencies: None. Served on 09/04/2020. (Court-entered filing, motion originally submitted in [84].) [11815445] (SML) [Entered: 09/08/2020 10:42 AM] |
| 09/08/2020 | 86 | Filed text clerk order (Deputy Clerk: OC): Appellant's motions to close oral argument [82], [83] and [85], are granted. [11816630] (OC) [Entered: 09/08/2020 04:56 PM] |
| 09/17/2020 | 87 | Filed (ECF) Acknowledgment of hearing notice by Attorney Matt Adams for Amici Curiae American Immigration Council and NWIRP. Hearing in Seattle on 10/07/2020 at |

1:30 P.M. (Courtroom: SE 7th Flr Courtroom 2). Filer sharing argument time: Yes. (Argument minutes: 5.) Special accommodations: NO. Filer admission status: I certify that I am admitted to practice before this Court. Date of service: 09/17/2020. [11827117] [18-35789] (Adams, Matt) [Entered: 09/17/2020 08:36 AM]

10/07/2020	88	ARGUED AND SUBMITTED TO SUSAN P. GRABER, WILLIAM A. FLETCHER and NANCY D. FREUDENTHAL. [11851314] (SB) [Entered: 10/07/2020 03:21 PM]
10/08/2020	89 (0 pg)	Filed UNDER SEAL Audio recording of closed oral argument. [11851828]–[Edited 10/21/2020 by SVG] (SVG) [Entered: 10/08/2020 09:23 AM]
11/20/2020	90 (19 pgs)	FILED OPINION (SUSAN P. GRABER, WILLIAM A. FLETCHER and NANCY D. FREUDENTHAL) REVERSED AND REMANDED. Judge: WAF Authoring. FILED AND ENTERED JUDGMENT. [11900412] (MM) [Entered: 11/20/2020 08:10 AM]
11/28/2020	91 (2 pgs)	Filed (ECF) Appellant Robert Boule bill of costs (Form 10) in the amount of \$704.60 USD. Date of

service: 11/28/2020 [11908289] [18-35789] (Boos, Gregory) [Entered: 11/28/2020 07:19 PM]

12/14/2020 92 MANDATE ISSUED.(SPG, WAF
(1 pg) and NDF) Costs taxed against Appellee in the amount of \$380.30. [11925403] (NAC) [Entered: 12/14/2020 07:11 AM]

12/14/2020 93 Filed clerk order (Deputy Clerk:
(1 pg) NAC): The mandate issued on 12/14/2020 is recalled as issued in error. [11925482] (NAC) [Entered: 12/14/2020 08:10 AM]

01/21/2021 94 Filed order (SUSAN P. GRABER,
(1 pg) WILLIAM A. FLETCHER and NANCY D. FREUDENTHAL) A judge of this court has called for a vote to determine whether this case should be reheard en banc. The parties are directed to file simultaneous briefs setting forth their respective positions as to whether this case should be reheard en banc. The briefs shall not exceed 15 pages or 4,200 words and shall be filed within twenty-one (21) days of the date of this order. [11975467] (OC) [Entered: 01/21/2021 04:18 PM]

02/10/2021 95 Filed (ECF) notice of appearance of Halley Carlson Fisher (Cascadia Cross-Border Law 1305 11th Street Suite 301, Bellingham, WA 98225) for Appellant Robert Boule.

Date of service: 02/10/2021. (Party was previously proceeding with counsel.) [11999110] [18-35789] (Fisher, Halley) [Entered: 02/10/2021 11:22 AM]

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|------------|----|--|
| 02/10/2021 | 96 | Added Attorney(s) Halley Carlson Fisher for party(s) Appellant Robert Boule, in case 18-35789. [11999118] (NAC) [Entered: 02/10/2021 11:24 AM] |
| 02/11/2021 | 97 | COURT DELETED INCORRECT ENTRY. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: [98]. Original Text: Filed (ECF) Appellee Erik Egbert response to Order to file supplemental brief, Order. Date of service: 02/11/2021. [12000697]. [18-35789] (Grindeland, Geoffrey) [Entered: 02/11/2021 12:00 PM] |
| 02/11/2021 | 98 | COURT DELETED INCORRECT ENTRY. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: [102]. Original Text: Filed (ECF) Appellee Erik Egbert petition for rehearing en banc (from 11/20/2020 opinion). Date of service: 02/11/2021. [12000709]–[COURT ENTERED FILING to correct entry [97].] (SLM) [Entered: 02/11/2021 12:09] |

PM]

2/11/2021	102 (20 pgs)	Submitted (ECF) Supplemental Brief for review. Submitted by Appellee Erik Egbert. Date of service: 02/12/2021. [12002429] [18-35789]--[COURT UPDATE: Backdated to reflect original filing date. Originally filed in [98]. 02/12/2021 by KWG] (Grindeland, Geoffrey) [Entered: 02/12/2021 01:57 PM]
02/11/2021	99	COURT DELETED INCORRECT ENTRY. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: [100]. Original Text: Filed (ECF) Appellant Robert Boule response to Court order dated 01/21/2021. Date of service: 02/11/2021. [12001471] [18-35789] (Boos, Gregory) [Entered: 02/11/2021 05:31 PM]
02/11/2021	100 (19 pgs)	Submitted (ECF) Supplemental Brief for review. Submitted by Appellant Robert Boule. Date of service: 02/11/2021. [12001700]--COURT ENTERED FILING to replace entry [99].] (SML) [Entered: 02/12/2021 08:29 AM]
02/12/2021	101 (1 pg)	Filed clerk order: The supplemental brief [100] submitted by Robert Boule is filed. No paper copies are required. [12001706] (SML) [Entered: 02/12/2021 08:31

AM]

- 02/12/2021 103 Filed clerk order: The supplemental brief [102] submitted by Erik Egbert is filed. No paper copies are required at this time. [12002478] (KWG) [Entered: 02/12/2021 02:19 PM]
- 05/20/2021 104 Filed order and amended opinion (54 pgs) (SUSAN P. GRABER, WILLIAM A. FLETCHER and NANCY D. FREUDENTHAL). The opinion filed on November 20, 2020, and reported at *Boule v. Egbert*, 980 F.3d 1309 (9th Cir. 2020), is amended, and the amended opinion is filed concurrently with this order. An active judge of this court sua sponte requested a vote on whether to rehear this case en banc. A vote was taken and the matter failed to receive a majority of the votes of the nonrecused active judges in favor of en banc consideration. See Fed. R. App. P. 35(f). Rehearing en banc is DENIED. Judge Bumatay's, Judge Owens's, and Judge Bress's dissents from the denial of rehearing en banc are attached and filed concurrently with this order. [12119104] (AKM) [Entered: 05/20/2021 08:51 AM]
- 05/28/2021 105 MANDATE ISSUED.(SPG, WAF (1 pg) and NDF) Costs taxed against Appellee in the amount of \$380.30.

[12127660] (NAC) [Entered:
05/28/2021 07:20 AM]

- 06/10/2021 106 Filed (ECF) Appellee Erik Egbert
(4 pgs) Motion to recall the mandate. Date
of service: 06/10/2021.
[12140200][18-3 5789] (Grindeland,
Geoffrey) [Entered: 06/10/2021
10:25 AM]
- 06/15/2021 107 Filed order (SUSAN P. GRABER,
(1 pg) WILLIAM A. FLETCHER and
NANCY D. FREUDENTHAL)
Appellee's unopposed motion to re-
call and stay the mandate pending
the filing of a petition for a writ of
certiorari (Dkt. [106]) is
GRANTED. Fed. R. App. P. 41(b).
The mandate is recalled and stayed
for a period not to exceed 90 days
pending the filing of a petition for
writ of certiorari in the Supreme
Court. Should a petition for writ of
certiorari be filed, the stay shall
continue until final disposition by
the Supreme Court. The moving
party shall notify this court in writ-
ing of that filing on the same day
the petition is filed in the Supreme
Court. [12144937] (OC) [Entered:
06/15/2021 02:02 PM]
- 07/30/2021 108 Filed (ECF) Appellee Erik Egbert
(2 pgs) response to Court order dated
06/15/2021. Date of service:
07/30/2021. [1218823 2] [18-35789]
(Carsley, Nicole) [Entered:

07/30/2021 02:25 PM]

08/05/2021

109
(1 pg)

Supreme Court Case Info

Case number: 21-147

Filed on: 07/30/2021

Cert Petition Action 1: Pending

[12192577] (RR) [Entered:
08/05/2021 07:48 AM]

11/08/2021

110
(1pg)

Supreme Court Case Info

Case number: 21-147

Filed on: 07/30/2021

Cert Petition Action 1: Granted,
11/05/2021

[12281008] (RR) [Entered:
11/08/2021 11:10 AM]

**U.S. DISTRICT COURT
UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
(SEATTLE)
CIVIL DOCKET FOR CASE #: 2:17-CV-00106-RSM**

01/25/2017	1	COMPLAINT against defendant(s) Robert Boule (Receipt # 0981-4745004), filed by Robert Boule. (Attachments: # 1 Civil Cover Sheet, # 2 Summons) (Beggs, Breean) (Entered: 01/25/2017)
01/26/2017		Judge Ricardo S Martinez added. (RE) (Entered: 01/26/2017)
01/26/2017	2	Summons electronically issued as to defendant(s) Erik Egbert, Jane Doe Egbert. (RE) (Entered: 01/26/2017)
03/20/2017	3	SERVICE OF SUMMONS and Complaint returned executed upon defendant All Defendants (Beggs, Breean) (Entered: 03/20/2017)
04/03/2017	4	MOTION for Default <i>and Declaration</i> , filed by Plaintiff Robert Boule. (Attachments: # 1 Proposed Order of Default) Noting Date 4/3/2017, (Beggs, Breean) (Entered: 04/03/2017)
04/10/2017	5	CLERK'S ORDER granting 4 MOTION for Default <i>and Declaration</i> filed by Robert Boule; Motion terminated. (LC) (Entered: 04/10/2017)
04/13/2017	6	NOTICE of Appearance by attorney Geoffrey M Grindeland on

behalf of Defendant Erik Egbert.
(Grindeland, Geoffrey) (Entered:
04/13/2017)

04/14/2017 Attorney Nicole C Carsley for Erik
Egbert added; per 6 Notice of Ap-
pearance. (RS) (Entered:
04/14/2017)

04/17/2017 7 MOTION to Vacate 5 Order on Mo-
tion for Default, Terminate Motions
, filed by Plaintiff Robert Boule. (At-
tachments: # 1 Proposed Order)
Noting Date 5/5/2017, (Beggs,
Breean) (Entered: 04/17/2017)

4/17/2017 8 ORDER granting plaintiff's 7 Mo-
tion to vacate the Order of Default
against defendants Erik and Jane
Doe Egbert by Judge Ricardo S
Martinez.(RS) Modified on
4/17/2017/cc W Scott Railton (RS).
(Entered: 04/17/2017)

05/01/2017 9 ORDER REGARDING INITIAL
DISCLOSURES AND JOINT
STATUS REPORT by Judge Ri-
cardo S Martinez. Joint Status Re-
port due by 6/12/2017, FRCP 26f
Conference Deadline is 5/30/2017,
Initial Disclosure Deadline is
6/5/2017. (LC) (Entered:
05/01/2017)

05/11/2017 10 AFFIDAVIT of Service of Sum-
mons and Complaint on Sandra
Bowers, Receptionist U.S. Attorney
and CM to US Att'y on 4/18/2017,

filed by Plaintiff Robert Boule. (Attachments: # 1 Exhibit Declaration of Service, # 2 Exhibit Proof of Certified mail)(Beggs, Breean) (Entered: 05/11/2017)

05/17/2017	11	Stipulated MOTION to <i>Extend Initial Scheduling Deadlines</i> , filed by Defendants Erik Egbert, Jane Doe Egbert. Noting Date 5/17/2017, (Grindeland, Geoffrey) (Entered: 05/17/2017)
05/18/2017	12	ORDER granting 11 Stipulated Motion to Extend Initial Scheduling Deadlines; FRCP 26f Conference Deadline is 6/29/2017, Initial Disclosure Deadline is 7/5/2017, Combined Joint Status Report and Discovery Plan as Required by FRCP26(f) and Local Civil Rule 26(f) due by 7/12/2017. Signed by Judge Ricardo S Martinez. (PM) (Entered: 05/18/2017)
06/19/2017	13	ANSWER to 1 Complaint with JURY DEMAND, COUNTER-CLAIM against plaintiff Robert Boule by Erik Egbert.(Grindeland, Geoffrey) (Entered: 06/19/2017)
07/05/2017	14	JOINT STATUS REPORT signed by all parties estimated Trial Days: 4-5. (Grindeland, Geoffrey) (Entered: 07/05/2017)
07/05/2017	15	STIPULATION AND PROPOSED ORDER <i>Model Stipulated</i>

- Protective Order* by parties (Attachments: # 1 Redline Model Stipulated Protective Order) (Grindeland, Geoffrey) (Entered: 07/05/2017)
- 07/10/2017 16 MODEL STIPULATED PROTECTIVE ORDER; re parties' 15 Stipulation, signed by Judge Ricardo S Martinez. (SWT) (Entered: 07/10/2017)
- 07/10/2017 17 *Answers and Affirmative Defenses* ANSWER to 13 Answer to Complaint, Counterclaim by Robert Boule.(Beggs, Breean) (Entered: 07/10/2017)
- 07/21/2017 18 ORDER SETTING TRIAL DATE AND RELATED DATES; Length of Trial: *4-5 days*. Jury Trial is set for 7/23/2018 at 9:00 AM before Judge Ricardo S. Martinez. Joinder of Parties due by 8/18/2017, Amended Pleadings due by 8/18/2017, Expert Witness Disclosure/Reports under FRCP 26(a)(2) due by 1/24/2018, Motions due by 2/23/2018, Discovery completed by 3/26/2018, Dispositive motions due by 4/24/2018, 39.1 mediation to be completed by 6/8/2018, Motions in Limine due by 6/25/2018, Pretrial Order due by 7/11/2018, Trial briefs to be submitted by 7/18/2018, Proposed voir dire/jury instructions due by 7/18/2018, by Judge Ricardo S. Martinez. (LW) (Entered: 07/21/2017)

07/21/2017)

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|------------|----|---|
| 08/16/2017 | 19 | Unopposed MOTION to Amend 1 Complaint,, filed by Plaintiff Robert Boule. (Attachments: # 1 Exhibit A-Amended Complaint, # 2 Exhibit B-Email BBeggs-NCarsley, # 3 Proposed Order to Amend Complaint) Noting Date 9/1/2017, (Beggs, Breean) (Entered: 08/16/2017) |
| 08/22/2017 | 20 | RESPONSE, by Defendant Erik Egbert, Counter Claimant Erik Egbert, to 19 Unopposed MOTION to Amend 1 Complaint,. (Grindeland, Geoffrey) (Entered: 08/22/2017) |
| 09/01/2017 | 21 | ORDER granting Plaintiff's 19 Unopposed Motion to Amend Complaint. Counsel is directed to e-file their Amended Complaint. Signed by Judge Ricardo S Martinez. (TH) (Entered: 09/01/2017) |
| 09/06/2017 | 22 | AMENDED COMPLAINT against All Defendants, filed by Robert Boule. (Beggs, Breean) (Entered: 09/06/2017) |
| 09/20/2017 | 23 | ANSWER to 22 Amended Complaint with JURY DEMAND, COUNTERCLAIM against plaintiff Robert Boule by Erik Egbert.(Carsley, Nicole) (Entered: 09/20/2017) |
| 01/11/2018 | 24 | MOTION to Compel (<i>and Memorandum</i>) <i>Production of Records</i> |

and Answer to Discovery Questions, filed by Plaintiff Robert Boule. Noting Date 1/26/2018, (Beggs, Breean) (Entered: 01/11/2018)

- | | | |
|------------|----|---|
| 01/11/2018 | 25 | DECLARATION of Robert Boule ISO Motion to Compel filed by Plaintiff Robert Boule re 24 MOTION to Compel (<i>and Memorandum</i>) <i>Production of Records and Answer to Discovery Questions</i> (Beggs, Breean) (Entered: 01/11/2018) |
| 01/11/2018 | 26 | DECLARATION of Breean L. Beggs filed by Plaintiff Robert Boule re 24 MOTION to Compel (<i>and Memorandum</i>) <i>Production of Records and Answer to Discovery Questions</i> (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C) (Beggs, Breean) (Entered: 01/11/2018) |
| 01/11/2018 | 27 | DECLARATION of Greg Boos filed by Plaintiff Robert Boule re 24 MOTION to Compel (<i>and Memorandum</i>) <i>Production of Records and Answer to Discovery Questions</i> (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D)(Beggs, Breean) (Entered: 01/11/2018) |
| 01/11/2018 | 28 | PROPOSED ORDER (Unsigned) re 24 MOTION to Compel (<i>and</i> |

- Memorandum) Production of Records and Answer to Discovery Questions* (Beggs, Breean) (Entered: 01/11/2018)
- 01/16/2018 29 CERTIFICATE OF SERVICE by Plaintiff Robert Boule re 27 Declaration, 24 MOTION to Compel (*and Memorandum) Production of Records and Answer to Discovery Questions delivered to US Department of Homeland Security, Office of the Assistant Chief Counsel* (Beggs, Breean) (Entered: 01/16/2018)
- 01/22/2018 30 RESPONSE, by Defendant Erik Egbert, to 24 MOTION to Compel (*and Memorandum) Production of Records and Answer to Discovery Questions*. (Attachments: # 1 Proposed Order)(Grindeland, Geoffrey) (Entered: 01/22/2018)
- 01/22/2018 31 DECLARATION of Nikki C. Carsley filed by Defendant Erik Egbert re 24 MOTION to Compel (*and Memorandum) Production of Records and Answer to Discovery Questions* (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D)(Grindeland, Geoffrey) (Entered: 01/22/2018)
- 01/25/2018 32 MOTION for Relief from *Scheduling Order Deadlines*, filed by Plaintiff Robert Boule. (Attachments: #

- 1 Proposed Order to Amend Scheduling Order) Noting Date 2/2/2018, (Beggs, Breean) (Entered: 01/25/2018)
- 01/25/2018 33 DECLARATION of Breean L. Beggs ISO Motion to Amend Scheduling Order filed by Plaintiff Robert Boule re 32 MOTION for Relief *from Scheduling Order Deadlines* (Beggs, Breean) (Entered: 01/25/2018)
- 01/26/2018 34 REPLY, filed by Plaintiff Robert Boule, TO RESPONSE to 24 MOTION to Compel (*and Memorandum*) *Production of Records and Answer to Discovery Questions* (Attachments: # 1 Proposed Order Second Proposed Order to Compel Production)(Beggs, Breean) (Entered: 01/26/2018)
- 01/31/2018 35 RESPONSE, by Defendant Erik Egbert, to 32 MOTION for Relief *from Scheduling Order Deadlines*. (Attachments: # 1 Proposed Order)(Grindeland, Geoffrey) (Entered: 01/31/2018)
- 01/31/2018 36 DECLARATION of Nikki C. Carsley filed by Defendant Erik Egbert re 32 MOTION for Relief *from Scheduling Order Deadlines* (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Grindeland, Geoffrey) (Entered: 01/31/2018)

- 02/02/2018 37 REPLY, filed by Plaintiff Robert Boule, TO RESPONSE to 32 MOTION for Relief *from Scheduling Order Deadlines* (Beggs, Breean) (Entered: 02/02/2018)
- 02/02/2018 38 Second DECLARATION of Breean L. Beggs ISO Motion for Relief filed by Plaintiff Robert Boule re 32 MOTION for Relief from Scheduling Order Deadlines (Beggs, Breean) (Entered: 02/02/2018)
- 02/02/2018 39 PRAECIPE re 38 Declaration of *Breean L. Beggs ISO Motion for Relief of Scheduling Order Deadlines* by Plaintiff Robert Boule (Attachments: # 1 Exhibit)(Beggs, Breean) (Entered: 02/02/2018)
- 02/22/2018 40 MOTION to Compel , filed by Defendant Erik Egbert. (Attachments: # 1 Proposed Order) Noting Date 3/9/2018, (Carsley, Nicole) (Entered: 02/22/2018)
- 02/22/2018 41 DECLARATION of Nikki Carsley filed by Defendant Erik Egbert re 40 MOTION to Compel (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I)(Carsley, Nicole) (Entered: 02/22/2018)
- 02/27/2018 42 NOTICE of Appearance by attorney Kristin Berger Johnson on

behalf of Interested Party U.S. Customs and Border Protection. (Johnson, Kristin) (Entered: 02/27/2018)

02/27/2018 Set hearing re 32 MOTION for Relief *from Scheduling Order Deadlines* and 24 MOTION to Compel (and Memorandum) Production of Records and Answer to Discovery Questions: Motion Hearing set for 3/2/2018 at 11:00 AM before Judge Ricardo S Martinez. (LC) (Entered: 02/27/2018)

02/27/2018 43 STIPULATION AND PROPOSED ORDER *Protective Order* by parties (Johnson, Kristin) (Entered: 02/27/2018)

02/27/2018 44 STIPULATION AND PROPOSED ORDER *[proposed] Order Withdrawing Plaintiff's Motion to Compel As To U.S. Customs And Border Protection* by parties (Johnson, Kristin) (Entered: 02/27/2018)

02/28/2018 45 OBJECTIONS re 44 Stipulation, 43 Stipulation by Defendant Erik Egbert (Carsley, Nicole) (Entered: 02/28/2018)

03/02/2018 46 MINUTE ENTRY for proceedings held before Judge Ricardo S. Martinez- Dep Clerk: *Lowell Williams*; Pla Counsel: *Breean Beggs, Gregory Boos, Scott Railton*; Def Counsel: *Geoff Grindeland, Nicole Carsley*; Interested Party: *Kristin*

Johnson, David Goldfarb, Jennifer Stilwell, Ann McElearnay; CR: Andrea Ramirez; Time of Hearing: 11:00 AM; Motion Hearing held on 3/2/2018 Counsel advise that they have reached an agreement as to how to proceed; Court agrees to proceed as recommended and strikes the following motions: 32 MOTION for Relief from Scheduling Order Deadlines filed by Robert Boule and 24 MOTION to Compel (and Memorandum) Production of Records and Answer to Discovery Questions filed by Robert Boule. Counsel directed confer and approve stipulated protective order as to all 3 parties.(LW) (Entered: 03/02/2018)

03/02/2018	47	NOTICE <i>Withdrawing Portions of</i> re 40 MOTION to Compel ; filed by Defendant Erik Egbert. (Attachments: # 1 Exhibit, # 2 Proposed Order)(Carsley, Nicole) (Entered: 03/02/2018)
03/02/2018	48	ORDER DIRECTING RELEASE OF INFORMATION directing the Bureau of Immigration and Customs Enforcement (ICE) to disclose the information discussed by the parties in the court hearing held on March 2, 2018. Signed by Judge Ricardo S Martinez. (PM) (Entered: 03/02/2018)
03/05/2018	49	STIPULATION AND

PROPOSED ORDER *Protective Order Between Parties, U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement* by parties (Attachments: # 1 Exhibit A)(Johnson, Kristin) (Entered: 03/05/2018)

03/05/2018 50 RESPONSE, by Plaintiff Robert Boule, to 40 MOTION to Compel . (Beggs, Breean) (Entered: 03/05/2018)

03/05/2018 51 DECLARATION of Breean L. Beggs in Response to Egbert's Amended Motion to Compel filed by Plaintiff Robert Boule re 40 MOTION to Compel (Beggs, Breean) (Entered: 03/05/2018)

03/05/2018 52 PROPOSED ORDER (Unsigned) re 50 Response to Motion (*Egbert's Amended*) to Compel (Beggs, Breean) (Entered: 03/05/2018)

03/06/2018 53 STIPULATED PROTECTIVE ORDER BETWEEN PARTIES, U.S. CUSTOMS AND BORDER PROTECTION AND U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT signed by Judge Ricardo S Martinez. (PM) (Entered: 03/06/2018)

03/09/2018 54 REPLY, filed by Defendant Erik Egbert, TO RESPONSE to 40 MOTION to Compel (Attachments: # 1 Proposed Order)(Carsley, Nicole)

(Entered: 03/09/2018)

03/15/2018	55	MOTION for Extension of Time to Complete Discovery , filed by Defendant Erik Egbert. (Attachments: # 1 Proposed Order) Noting Date 3/23/2018, (Carsley, Nicole) (Entered: 03/15/2018)
03/21/2018	56	RESPONSE, by Plaintiff Robert Boule, to 55 MOTION for Extension of Time to Complete Discovery . (Beggs, Breean) (Entered: 03/21/2018)
03/21/2018	57	PROPOSED ORDER (Unsigned) re 56 Response to Motion (<i>Egbert's to Allow Certain Discovery After March 26</i> (Beggs, Breean) (Entered: 03/21/2018)
03/23/2018	58	REPLY, filed by Defendant Erik Egbert, TO RESPONSE to 55 MOTION for Extension of Time to Complete Discovery (Grindeland, Geoffrey) (Entered: 03/23/2018)
03/27/2018	59	ORDER granting Defendant's 40 Motion to Compel; granting Defendant's 55 Motion to Allow Certain Discovery After March 26, 2018. Signed by Judge Ricardo S Martinez. (PM) (Entered: 03/27/2018)
04/05/2018	60	MOTION to Compel , filed by Defendant Erik Egbert. (Attachments: # 1 Proposed Order) Noting Date 4/20/2018, (Grindeland,

Geoffrey) (Entered: 04/05/2018)

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| 04/10/2018 | 61 | MOTION for Summary Judgment <i>on Defendant's Counterclaim for Malicious Prosecution and Memorandum in Support Thereof</i> , filed by Plaintiff Robert Boule. (Attachments: # 1 Proposed Order on Motion for Summary Judgment) Noting Date 5/4/2018, (Boos, Gregory) (Entered: 04/10/2018) |
| 04/12/2018 | 62 | PRAECIPE re 61 MOTION for Summary Judgment <i>on Defendant's Counterclaim for Malicious Prosecution and Memorandum in Support Thereof</i> by Plaintiff Robert Boule (Attachments: # 1 Exhibit A)(Boos, Gregory) (Entered: 04/12/2018) |
| 04/12/2018 | 63 | MOTION for Extension of Time to Complete Discovery , filed by Defendant Erik Egbert. (Attachments: # 1 Proposed Order) Noting Date 4/20/2018, (Carsley, Nicole) (Entered: 04/12/2018) |
| 04/12/2018 | 64 | NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Motion Hearing held on 3/2/2018 before Judge Ricardo S. Martinez. |

Parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made

remotely electronically available to the public without redaction after 90 calendar days.

Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Information regarding the policy can be found on the court's website at www.wawd.uscourts.gov.

To purchase a copy of the transcript, contact court reporter Andrea Ramirez, andrea_ramirez@wawd.uscourts.gov, 206-370-8509.

Release of Transcript Restriction set for 7/11/2018, (AR) (Entered: 04/12/2018)

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| 04/13/2018 | 65 | PRAECIPE re 60 MOTION to Compel by Defendant Erik Egbert (Attachments: # 1 Exhibit)(Carsley, Nicole) (Entered: 04/13/2018) |
| 04/16/2018 | 66 | RESPONSE, by Interested Party U.S. Customs and Border Protection, to 60 MOTION to Compel . (Johnson, Kristin) (Entered: 04/16/2018) |
| 04/16/2018 | 67 | DECLARATION of Anne P. Mcelearney filed by Interested Party U.S. Customs and Border |

		Protection re 60 MOTION to Compel (Johnson, Kristin) (Entered: 04/16/2018)
04/16/2018	68	DECLARATION of David Goldfarb filed by Interested Party U.S. Customs and Border Protection re 60 MOTION to Compel (Johnson, Kristin) (Entered: 04/16/2018)
04/16/2018	69	RESPONSE, by Plaintiff Robert Boule, to 60 MOTION to Compel . (Beggs, Breean) (Entered: 04/16/2018)
04/16/2018	70	RESPONSE, by Plaintiff Robert Boule, to 63 MOTION for Extension of Time to Complete Discovery . (Beggs, Breean) (Entered: 04/16/2018)
04/16/2018	71	PRAECIPE re 70 Response to Motion to correct signature and Certification of Service dates by Plaintiff Robert Boule (Attachments: # 1 Exhibit A to Praecipe, # 2 Exhibit B to Praecipe)(Beggs, Breean) (Entered: 04/16/2018)
04/20/2018	72	REPLY, filed by Defendant Erik Egbert, TO RESPONSE to 63 MOTION for Extension of Time to Complete Discovery (Attachments: # 1 Proposed Order) (Carsley, Nicole) (Entered: 04/20/2018)
04/20/2018	73	REPLY, filed by Defendant Erik Egbert, TO RESPONSE to 60 MOTION to Compel (Attachments: # 1

Proposed Order)(Grindeland, Geoffrey) (Entered: 04/20/2018)

04/30/2018	74	RESPONSE, by Defendant Erik Egbert, to 61 MOTION for Summary Judgment <i>on Defendant's Counterclaim for Malicious Prosecution and Memorandum in Support Thereof</i> . (Attachments: # 1 Proposed Order)(Carsley, Nicole) (Entered: 04/30/2018)
05/01/2018	75	Stipulated MOTION <i>FOR ORDER OF DISMISSAL OF MALICIOUS-PROSECUTION COUNTERCLAIM</i> , filed by Defendant Erik Egbert. Noting Date 5/1/2018, (Carsley, Nicole) (Entered: 05/01/2018)
05/02/2018	76	STIPULATION AND ORDER <i>OF DISMISSAL OF MALICIOUS-PROSECUTION COUNTERCLAIM</i> re parties' 75 Stipulated MOTION. IT IS ORDERED that Agent Egbert's counterclaim for malicious prosecution is DISMISSED without an award of fees or costs to any party. Signed by Judge Ricardo S Martinez. (TH) (Entered: 05/02/2018)
05/14/2018	77	ORDER granting Defendant's 60 Motion to Compel; granting in part Defendant's 63 Motion for Extension of Deadlines for Certain Discovery and Dispositive Motions. The

Court shall strike the current trial date of 7/23/2018 and pre-trial deadlines from the discovery deadline forward. Parties to file a Joint Status Report within 14 days. Signed by Judge Ricardo S Martinez. (PM) (Entered: 05/14/2018)

05/25/2018 78 JOINT STATUS REPORT signed by all parties estimated Trial Days: 4 - 5. (Carsley, Nicole) (Entered: 05/25/2018)

05/29/2018 79 ****REVISED** ORDER SETTING TRIAL DATE AND RELATED DATES** by Judge Ricardo S Martinez; Length of Trial: *4-5 days*. Jury Trial is set for 10/1/2018 at 09:00 AM before Judge Ricardo S Martinez. Dispositive motions due by 7/5/2018, 39.1 mediation to be completed by 8/17/2018, Motions in Limine due by 9/4/2018, Pretrial Order due by 9/19/2018, Trial briefs to be submitted by 9/26/2018, Proposed voir dire/jury instructions due by 9/26/2018. (LC) Modified on 5/29/2018 to clarify length of trial (LC). (Entered: 05/29/2018)

05/31/2018 80 MOTION for Extension of Time *for Discovery and Trial Dates*, filed by Plaintiff Robert Boule. (Attachments: # 1 Proposed Order to Extend Discovery and Trial Dates) Noting Date 6/8/2018, (Beggs,

Breean) (Entered: 05/31/2018)

05/31/2018	81	DECLARATION of Greg Boos filed by Plaintiff Robert Boule re 80 MOTION for Extension of Time <i>for Discovery and Trial Dates</i> (Attachments: # 1 Exhibit A to Greg Boos' Declaration ISO Motion to Extend Discovery and Trial Dates) (Beggs, Breean) (Entered: 05/31/2018)
05/31/2018	82	PRAECIPE <i>for ECF No. 80</i> Motion to Extend Discovery by Plaintiff Robert Boule (Attachments: # 1 Exhibit A to Praecipe for ECF # 80)(Beggs, Breean) Modified on 6/1/2018 to add link to motion (PM). (Entered: 05/31/2018)
06/01/2018	83	NOTICE of Unavailability of counsel Breean Lawrence Beggs for Plaintiff Robert Boule from 06/16/2018-07/3/2018 & 08/03/2018-08/10/2018. (Beggs, Breean) (Entered: 06/01/2018)
06/06/2018	84	RESPONSE, by Defendant Erik Egbert, to 80 MOTION for Extension of Time <i>for Discovery and Trial Dates</i> . (Attachments: # 1 Proposed Order)(Carsley, Nicole) (Entered: 06/06/2018)
06/06/2018	85	DECLARATION of Nikki C. Carsley filed by Defendant Erik Egbert re 80 MOTION for Extension of Time <i>for Discovery and Trial Dates</i> (Attachments: # 1 Exhibit, # 2

Exhibit)(Carsley, Nicole) (Entered: 06/06/2018)

06/08/2018	86	REPLY, filed by Plaintiff Robert Boule, TO RESPONSE to 80 MOTION for Extension of Time <i>for Discovery and Trial Dates</i> (Attachments: # 1 Proposed Order to Extend Discovery)(Beggs, Breean) (Entered: 06/08/2018)
06/08/2018	87	Second DECLARATION of Greg Boos in Support of Motion to Extend Discovery & Trial Dates filed by Plaintiff Robert Boule re 80 MOTION for Extension of Time <i>for Discovery and Trial Dates</i> (Beggs, Breean) (Entered: 06/08/2018)
06/08/2018	88	NOTICE of Unavailability of counsel Gregory Donald Boos for Plaintiff Robert Boule from July 11, 2018 to July 23, 2018. (Boos, Gregory) (Entered: 06/08/2018)
06/11/2018	89	ORDER denying Plaintiff's 80 Motion to Extend Discovery and Trial Dates, signed by Judge Ricardo S Martinez. (SWT) (Entered: 06/11/2018)
06/14/2018	90	Supplemental MOTION for Attorney Fees <i>and Costs</i> , filed by Defendant Erik Egbert. (Attachments: # 1 Proposed Order) Noting Date 6/22/2018, (Grindeland, Geoffrey) (Entered: 06/14/2018)

- 06/14/2018 91 DECLARATION of Geoffrey M. Grindeland filed by Defendant Erik Egbert re 90 Supplemental MOTION for Attorney Fees *and Costs* (Attachments: # 1 Exhibit)(Grindeland, Geoffrey) (Entered: 06/14/2018)
- 06/27/2018 92 ORDER granting in part and denying in part Defendant Egbert's 90 Supplemental Motion for Fees and Costs. Defendant Egbert is awarded attorney's fees in the amount of \$10,444.00 and costs in the amount of \$63.05, for a total award of \$10,507.05. Customs and Border Protection and Immigration and Customs Enforcement SHALL reimburse Agent Egbert and his insurer in this amount, made payable to Mills Meyers Swartling P.S. In Trust for Erik Egbert no later than 30 days from the date of this Order. Signed by Judge Ricardo S Martinez. (PM) (Entered: 06/27/2018)
- 07/05/2018 93 MOTION to Seal (*by Leave of Court*) Documents, filed by Plaintiff Robert Boule. (Attachments: # 1 Proposed Order Granting Leave to File Sealed Documents) Noting Date 7/13/2018, (Beggs, Breean) (Entered: 07/05/2018)
- 07/05/2018 94 MOTION for Summary Judgment *re Fourth Amendment Violations*, filed by Plaintiff Robert Boule.

(Attachments: # 1 Proposed Order Granting Motion for Summary Judgment RE Fourth Amend Violations) Noting Date 7/27/2018, (Beggs, Breean) (Entered: 07/05/2018)

- 07/05/2018 95 STRICKEN PER 111 Notice to Strike. ~~Lp_prefix_1~~ MOTION to Seal Documents, filed by Defendant Erik Egbert. (Attachments: # 1 ~~SEALED~~ Exhibit Unredacted version of MSJ, # 2 Exhibit redacted version of MSJ, # 3 Proposed Order, # 4 ~~SEALED~~ Exhibit unredacted version of Egbert Declaration, # 5 Exhibit redacted version of Egbert Declaration, # 6 ~~SEALED~~ Exhibit unredacted version of Neupert Declaration, # 7 ~~SEALED~~ Exhibit unredacted version of Chong Declaration, # 8 ~~SEALED~~ Exhibit unredacted version of Grindeland Declaration, # 9 Exhibit redacted version of Grindeland Declaration) Noting Date 7/13/2018, (Grindeland, Geoffrey) Modified on 7/6/2018 to seal unredacted exhibits(ELS) Modified on 7/11/2018 to strike (TH). (Entered: 07/05/2018)
- 07/05/2018 96 NOTICE of Filing Video in Paper or Physical Form with the Clerk's Office by Defendant Erik Egbert. in re 95 Motion to Seal,. (Grindeland, Geoffrey) (Entered: 07/05/2018)

- 07/05/2018 97 MOTION for Summary Judgment *on Anti-Slapp Counterclaim*, filed by Plaintiff Robert Boule. (Attachments: # 1 Proposed Order to Grant Plaintiff's MSJ re Anti-Slapp) Noting Date 7/27/2018, (Beggs, Breean) (Entered: 07/05/2018)
- 07/05/2018 98 DECLARATION of Robert Boule ISO MSJ's filed by Plaintiff Robert Boule re 94 MOTION for Summary Judgment *re Fourth Amendment Violations*, 97 MOTION for Summary Judgment *on Anti-Slapp Counterclaim* (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7)(Beggs, Breean) (Entered: 07/05/2018)
- 07/05/2018 99 SEALED DOCUMENT *Declaration of Robert Boule* by Plaintiff Robert Boule re 93 MOTION to Seal *(by Leave of Court) Documents*, 98 Declaration, (Beggs, Breean) (Entered: 07/05/2018)
- 07/05/2018 100 DECLARATION of Greg Boos ISO of MSJ's filed by Plaintiff Robert Boule re 94 MOTION for Summary Judgment *re Fourth Amendment Violations*, 97 MOTION for Summary Judgment *on Anti-Slapp Counterclaim* (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit

G)(Beggs, Breean) (Entered: 07/05/2018)

07/05/2018 101 MOTION to Seal *MSJ and Documents*, filed by Defendant Erik Egbert. Noting Date 7/13/2018, (Grindeland, Geoffrey) (Entered: 07/05/2018)

07/05/2018 102 SEALED MOTION to Summary Judgment; re 101 MOTION to Seal *MSJ and Documents* ; by Defendant Erik Egbert. (Attachments: # 1 Proposed Order) Noting Date 7/27/2018, (Grindeland, Geoffrey) (Entered: 07/05/2018)

07/05/2018 103 SEALED DOCUMENT *Egbert Declaration* by Defendant Erik Egbert re 101 MOTION to Seal *MSJ and Documents*, 102 SEALED MOTION to Summary Judgment; re 101 MOTION to Seal *MSJ and Documents* ; (Grindeland, Geoffrey) (Entered: 07/05/2018)

07/05/2018 104 SEALED DOCUMENT *Grindeland Declaration* by Defendant Erik Egbert re 101 MOTION to Seal *MSJ and Documents*, 102 SEALED MOTION to Summary Judgment; re 101 MOTION to Seal *MSJ and Documents* ; (Grindeland, Geoffrey) (Entered: 07/05/2018)

07/05/2018 105 SEALED DOCUMENT *Chong Declaration* by Defendant Erik Egbert re 101 MOTION to Seal *MSJ*

and Documents, 102 SEALED MOTION to Summary Judgment; re 101 MOTION to Seal *MSJ and Documents* ; (Grindeland, Geoffrey) (Entered: 07/05/2018)

07/05/2018	106	SEALED DOCUMENT <i>Neupert Declaration</i> by Defendant Erik Egbert re 101 MOTION to Seal <i>MSJ and Documents</i> , 102 SEALED MOTION to Summary Judgment; re 101 MOTION to Seal <i>MSJ and Documents</i> ; (Grindeland, Geoffrey) (Entered: 07/05/2018)
07/05/2018	107	Redacted MOTION for Summary Judgment , filed by Defendant Erik Egbert. (Attachments: # 1 Proposed Order) Noting Date 7/27/2018, (Grindeland, Geoffrey) (Entered: 07/05/2018)
07/05/2018	108	Redacted DECLARATION of Agent Egbert filed by Defendant Erik Egbert re 107 Redacted MOTION for Summary Judgment (Grindeland, Geoffrey) (Entered: 07/05/2018)
07/05/2018	109	Redacted DECLARATION of Geoffrey Grindeland filed by Defendant Erik Egbert re 107 Redacted MOTION for Summary Judgment (Grindeland, Geoffrey) (Entered: 07/05/2018)
07/05/2018	110	SEALED DOCUMENT <i>Declaration of Greg Boos</i> by Plaintiff Robert

Boule re 93 MOTION to Seal (*by Leave of Court*) Documents, 100 Declaration, (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G)(Beggs, Breean) (Entered: 07/05/2018)

07/06/2018 NOTICE of Docket Text Modification re 95 MOTION to Seal Documents : Unredacted exhibits have been placed under seal and docket text edited to reflect that the exhibits are sealed. (ELS) (Entered: 07/06/2018)

07/06/2018 111 NOTICE TO STRIKE re 95 ~~Lp_prefix_1~~ MOTION to Seal Documents ; filed by Defendant Erik Egbert. (Grindeland, Geoffrey) (Entered: 07/06/2018)

07/06/2018 RECEIPT of one (1) CD entitled "Egbert Declaration - Exhibit B" from defendants re 96 Notice of Filing Paper or Physical Materials. Kept on shelf in Clerk's Office in one (1) accordion folder. (SWT) (Entered: 07/10/2018)

07/06/2018 ***Motion terminated: 95 ~~Lp_prefix_1~~ MOTION to Seal Documents filed by Erik Egbert per Defendant's 111 Notice to Strike. (TH) (Entered: 07/11/2018)

07/11/2018 112 RESPONSE, by Defendant Erik Egbert, to 93 MOTION to Seal (*by*

Leave of Court) Documents. (Attachments: # 1 Proposed Order)(Carsley, Nicole) (Entered: 07/11/2018)

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| 07/11/2018 | 113 | UNREDACTED SEALED 112
Response to 101 Motion to Seal, by Defendant Erik Egbert (Carsley, Nicole) Modified on 7/12/2018 to add link to motion to seal (PM). (Entered: 07/11/2018) |
| 07/11/2018 | 114 | RESPONSE, by Plaintiff Robert Boule, to 101 MOTION to Seal <i>MSJ and Documents.</i> (Beggs, Breean) (Entered: 07/11/2018) |
| 07/11/2018 | 115 | RESPONSE, by Interested Party U.S. Customs and Border Protection, to 101 MOTION to Seal <i>MSJ and Documents.</i> (Johnson, Kristin) (Entered: 07/11/2018) |
| 07/11/2018 | 116 | DECLARATION of Kristin B. Johnson filed by Interested Party U.S. Customs and Border Protection re 101 MOTION to Seal <i>MSJ and Documents</i> (Johnson, Kristin) (Entered: 07/11/2018) |
| 07/11/2018 | 117 | DECLARATION of Chris E. Bippely filed by Interested Party U.S. Customs and Border Protection re 101 MOTION to Seal <i>MSJ and Documents</i> , 93 MOTION to Seal (<i>by Leave of Court) Documents</i> (Johnson, Kristin) (Entered: 07/11/2018) |

07/11/2018	118	RESPONSE, by Interested Party U.S. Customs and Border Protection, to 93 MOTION to Seal <i>(by Leave of Court) Documents</i> . (Johnson, Kristin) (Entered: 07/11/2018)
07/11/2018	119	DECLARATION of Alysa Erichs filed by Interested Party U.S. Customs and Border Protection re 101 MOTION to Seal <i>MSJ and Documents</i> , 93 MOTION to Seal <i>(by Leave of Court) Documents</i> (Johnson, Kristin) (Entered: 07/11/2018)
07/13/2018	120	REPLY, filed by Defendant Erik Egbert, TO RESPONSE to 101 MOTION to Seal <i>MSJ and Documents</i> (Attachments: # 1 Proposed Order)(Grindeland, Geoffrey) (Entered: 07/13/2018)
07/13/2018	121	UNREDACTED SEALED 120 Reply to Response to Motion, by Defendant Erik Egbert (Grindeland, Geoffrey) (Entered: 07/13/2018)
07/13/2018	122	REPLY, filed by Plaintiff Robert Boule, TO RESPONSE to 93 MOTION to Seal <i>(by Leave of Court) Documents</i> (Attachments: # 1 Exhibit Appendix 1, # 2 Exhibit Appendix 2-Redacted, # 3 Exhibit Appendix 3-Redacted, # 4 Exhibit Appendix 4-Redacted, # 5 Exhibit Appendix 5-Redacted, # 6 Exhibit Appendix 6-Redacted, # 7 Proposed Order 2nd)(Beggs, Breean)

(Entered: 07/13/2018)

07/16/2018 123 MINUTE ORDER by Judge Ricardo S. Martinez re: 93 MOTION to Seal (*by Leave of Court*) Documents filed by Robert Boule. The following MINUTE ORDER is made by direction of the Court, the Honorable Ricardo S. Martinez, Chief United States District Judge: The Court finds good cause and compelling reasons to grant Plaintiff's motion to seal. The documents filed under seal in support of Plaintiff's motion for summary judgment shall remain sealed. (SSM)
(Entered: 07/16/2018)

07/16/2018 124 MINUTE ORDER by Judge Ricardo S. Martinez re: 101 MOTION to Seal *MSJ and Documents* filed by Erik Egbert. The following MINUTE ORDER is made by direction of the Court, the Honorable Ricardo S. Martinez, Chief United States District Judge: The Court finds good cause and compelling reasons to grant Defendant Egert's motion to seal. The documents filed under seal in support of Defendant Egbert's motion for summary judgment shall remain sealed. Nothing in this Order precludes the parties and this Court from revisiting what documents and/or information should remain under seal once

dispositive motions have been resolved. (SSM) (Entered: 07/16/2018)

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| 07/16/2018 | 125 | Joint Stipulated MOTION [<i>proposed</i>] Order Extending Deadline for Government to Pay Attorney's Fees and Costs, filed by Interested Party U.S. Customs and Border Protection. Noting Date 7/16/2018, (Johnson, Kristin) (Entered: 07/16/2018) |
| 07/17/2018 | 126 | ORDER re: parties' 125 Stipulated Motion Extending Deadline. The deadline for CBP and ICE to pay the attorney's fees and costs ordered in the Court's June 27, 2018 Order is extended from July 27, 2018 to August 27, 2018. Signed by Judge Ricardo S Martinez. (PM) (Entered: 07/17/2018) |
| 07/23/2018 | 127 | MOTION to Seal <i>Exhibits of Greg Boos' Declaration</i> , filed by Plaintiff Robert Boule. (Attachments: # 1 Proposed Order Granting Leave to File Sealed Exhibits) Noting Date 8/3/2018, (Beggs, Breean) (Entered: 07/23/2018) |
| 07/23/2018 | 128 | RESPONSE, by Defendant Erik Egbert, to 94 MOTION for Summary Judgment <i>re Fourth Amendment Violations</i> . (Attachments: # 1 Proposed Order) (Grindeland, Geoffrey) (Entered: 07/23/2018) |

07/23/2018	129	RESPONSE, by Defendant Erik Egbert, to 97 MOTION for Summary Judgment <i>on Anti-Slapp Counterclaim</i> . (Attachments: # 1 Proposed Order)(Grindeland, Geoffrey) (Entered: 07/23/2018)
07/23/2018	130	Second DECLARATION of Agent Egbert filed by Defendant Erik Egbert re 94 MOTION for Summary Judgment <i>re Fourth Amendment Violations</i> , 97 MOTION for Summary Judgment <i>on Anti-Slapp Counterclaim</i> (Attachments: # 1 Exhibit A)(Grindeland, Geoffrey) (Entered: 07/23/2018)
07/23/2018	131	UNREDACTED SEALED 128 Response to 94 Motion for Summary Judgment, by Defendant Erik Egbert (Attachments: # 1 Proposed Order)(Grindeland, Geoffrey) Modified on 7/24/2018 to add link to s/j motion (PM). (Entered: 07/23/2018)
07/23/2018	132	UNREDACTED SEALED 129 Response to 97 Motion for Summary Judgment on Anti-Slapp Counterclaim by Defendant Erik Egbert (Attachments: # 1 Proposed Order)(Grindeland, Geoffrey) Modified on 7/24/2018 to add link to and description of motion (PM). (Entered: 07/23/2018)
07/23/2018	133	UNREDACTED SEALED 130 Declaration,, by Defendant Erik

Egbert re: 94 Motion for Summary Judgment re Fourth Amendment Violations, re: 97 Motion for Summary Judgment on Anti-Slapp Counterclaim (Attachments: # 1 Exhibit A)(Grindeland, Geoffrey) Modified on 7/24/2018 to add links to and descriptions of motions (PM). (Entered: 07/23/2018)

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| 07/23/2018 | 134 | SEALED RESPONSE, by Plaintiff Robert Boule, to 102 SEALED MOTION to Summary Judgment; re 101 MOTION to Seal <i>MSJ and Documents</i> ;, 107 Redacted MOTION for Summary Judgment . (Attachments: # 1 Proposed Order Denying Defendant's MSJ)(Beggs, Breean) Modified on 7/26/2018 to seal per phone call from counsel. Document refiled as Dkt 140 . (PM). (Entered: 07/23/2018) |
| 07/23/2018 | 135 | UNREDACTED SEALED 134 Response to Motion to Seal 101 , Sealed Motion for Summary Judgment 102 , Redacted Motion for Summary Judgment 107 by Plaintiff Robert Boule (Beggs, Breean) Modified on 7/24/2018 to add links to and descriptions of motions (PM). (Entered: 07/23/2018) |
| 07/23/2018 | 136 | SEALED Redacted DECLARATION of Greg Boos in Opposition to Defendant's Motion for Summary Judgment filed by Plaintiff Robert |

Boule re 127 MOTION to Seal *Exhibits of Greg Boos' Declaration*, 102 SEALED MOTION to Summary Judgment; re 101 MOTION to Seal MSJ and Documents ;, 107 Redacted MOTION for Summary Judgment (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G)(Beggs, Breean) Modified on 7/26/2018 to SEAL Declaration only, per phone call from counsel. Declaration re-filed as Dkt. 141 (PM). (Entered: 07/23/2018)

07/23/2018 137 UNREDACTED SEALED 136 Declaration of Greg Boos, 134 Response to Motion,, by Plaintiff Robert Boule (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G)(Beggs, Breean) Modified on 7/24/2018 to add name of declarant(PM). (Entered: 07/23/2018)

07/23/2018 138 Redacted DECLARATION of Robert Boule filed by Plaintiff Robert Boule re 102 SEALED MOTION to Summary Judgment; re 101 MOTION to Seal *MSJ and Documents* ;, 107 Redacted MOTION for Summary Judgment (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit

E)(Beggs, Breean) (Entered: 07/23/2018)

07/23/2018 139 UNREDACTED SEALED 138 Declaration of Robert Boule 134 Response to Motion,, by Plaintiff Robert Boule (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E)(Beggs, Breean) Modified on 7/24/2018 to add name of declarant(PM). (Entered: 07/23/2018)

07/25/2018 140 REDACTION to 134 Response to Motion, (*Egbert's*) for *Summary Judgment* 102 by Plaintiff Robert Boule (Beggs, Breean) Modified on 7/26/2018 to add link to motion (PM). (Entered: 07/25/2018)

07/25/2018 141 REDACTION to 136 Declaration,, of *Greg Boos in Opposition to Defendant's 102 Motion for Summary Judgment* by Plaintiff Robert Boule (Beggs, Breean) Modified on 7/26/2018 to add link to motion (PM). (Entered: 07/25/2018)

07/26/2018 NOTICE of Docket Text Modification re 136 Declaration of Greg Boos, 134 Response to Motion: Sealed documents per phone call from counsel. Refiled as Dkt. 140 , 141 . (Note re: 136 , Declaration only sealed and refiled; exhibits remain public) (PM) (Entered: 07/26/2018)

- 07/27/2018 142 REPLY, filed by Plaintiff Robert Boule, TO RESPONSE to 97 MOTION for Summary Judgment *on Anti-Slapp Counterclaim* (Attachments: # 1 Proposed Order (2nd) Granting Boule's Motion for Anti-Slapp Summary Judgment) (Beggs, Breean) (Entered: 07/27/2018)
- 07/27/2018 143 REPLY, filed by Defendant Erik Egbert, TO RESPONSE to 102 SEALED MOTION to Summary Judgment; re 101 MOTION to Seal *MSJ and Documents*; (Attachments: # 1 Proposed Order)(Grindeland, Geoffrey) (Entered: 07/27/2018)
- 07/27/2018 144 UNREDACTED SEALED REPLY to 102 SEALED MOTION to Summary Judgment; re 101 MOTION to Seal *MSJ and Documents* ;, by Defendant Erik Egbert (Attachments: # 1 Proposed Order)(Grindeland, Geoffrey) (Entered: 07/27/2018)
- 07/27/2018 145 REPLY, filed by Plaintiff Robert Boule, TO RESPONSE to 94 MOTION for Summary Judgment *re Fourth Amendment Violations* (Attachments: # 1 Proposed Order (2nd) Granting Boule's Motion for Fourth Amendment Claim) (Beggs, Breean) (Entered: 07/27/2018)
- 07/27/2018 146 Second DECLARATION of Greg

- Boos (July 27) filed by Plaintiff Robert Boule re 94 MOTION for Summary Judgment *re Fourth Amendment Violations* (Attachments: # 1 Exhibit A)(Beggs, Breean) (Entered: 07/27/2018)
- 07/27/2018 147 Second DECLARATION of Robert Boule (July 27) filed by Plaintiff Robert Boule re 94 MOTION for Summary Judgment *re Fourth Amendment Violations* (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Beggs, Breean) (Entered: 07/27/2018)
- 07/27/2018 148 DECLARATION of John Henifin filed by Plaintiff Robert Boule re 94 MOTION for Summary Judgment *re Fourth Amendment Violations* (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Beggs, Breean) (Entered: 07/27/2018)
- 08/01/2018 149 RESPONSE, by Defendant Erik Egbert, to 127 MOTION to Seal *Exhibits of Greg Boos' Declaration*. (Attachments: # 1 Proposed Order)(Carsley, Nicole) (Entered: 08/01/2018)
- 08/02/2018 150 Stipulated MOTION *for Order of Dismissal of Certain Claims*, filed by Defendant Erik Egbert. Noting Date 8/2/2018, (Carsley, Nicole) (Entered: 08/02/2018)
- 08/02/2018 151 ORDER re: parties' 150 Stipulated

Motion for Dismissal of Certain Claims. IT IS ORDERED that the following claims are DISMISSED with prejudice under FRCP 41 without an award of fees or costs to any party: Agent Egbert's anti-SLAPP counterclaim, Mr. Boule's Fourteenth Amendment claim, Mr. Boule's negligence claim, and Mr. Boule's claim for an award of attorney's fees and costs under 42 U.S.C. § 1988 and 28 U.S.C. § 2412(b). Plaintiff's Motion for Summary Judgment on Anti-SLAPP Counterclaim (Dkt. # 97) is STRICKEN AS MOOT. Signed by Judge Ricardo S. Martinez. (PM) (Entered: 08/02/2018)

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| 08/02/2018 | 152 | REPLY, filed by Plaintiff Robert Boule, TO RESPONSE to 127 MOTION to Seal <i>Exhibits of Greg Boos' Declaration</i> (Beggs, Breean) (Entered: 08/02/2018) |
| 08/03/2018 | 153 | MINUTE ORDER by Chief Judge Ricardo S. Martinez re: 127 MOTION to Seal <i>Exhibits of Greg Boos' Declaration</i> filed by Robert Boule. The following MINUTE ORDER is made by direction of the Court, the Honorable Ricardo S. Martinez, Chief United States District Judge: The Court finds good cause and compelling reasons to grant Plaintiff's motion to seal. Exhibits A-G, |

already filed under seal, in support of the Declaration of Greg Boos shall remain sealed.(SSM) (Entered: 08/03/2018)

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| 08/21/2018 | 154 | ORDER denying Plaintiff's 94 Motion for Summary Judgment on Plaintiff's Fourth Amendment Claim; granting Defendant Egbert's Motion for Summary Judgment on Plaintiff's Fourth Amendment Claim and dismissing the claim against Defendant Egbert in it's entirety. The remainder of Defendant Egbert's motion for summary judgment (Dkt. # 102) remains noted on the Court's calendar and will be resolved by separate Order. Signed by Judge Ricardo S. Martinez. (PM) (Entered: 08/21/2018) |
| 08/24/2018 | 155 | ORDER granting Defendant's 102 (Sealed), 107 Motion for Summary Judgment and dismissing the remainder of Plaintiff's claims against Defendant Egbert in their entirety. Signed by Judge Ricardo S. Martinez. (PM) (Entered: 08/24/2018) |
| 08/24/2018 | 156 | JUDGMENT BY COURT. The Court has ORDERED that: Defendant Egbert's Motion for Summary Judgment (Dkt. # 102) is GRANTED and the remainder of Plaintiff's claims will be dismissed against Defendant Egbert in their entirety. This matter is now |

CLOSED. (PM) (Entered: 08/24/2018)

09/20/2018	157	NOTICE OF APPEAL to Ninth Circuit (18-35789) re 155 Order on Sealed Motion by Plaintiff Robert Boule. Filing Fee \$505, Receipt number 0981 - 5479317. (Beggs, Breean) Modified on 1/25/2021 add CCA #(CDA). Modified on 6/16/2021-removed appeal term date. Mandate recalled by CCA (SG). (Entered: 09/20/2018)
09/24/2018	158	TIME SCHEDULE ORDER (18-35789) as to 157 Notice of Appeal filed by Robert Boule (SG) (Entered: 09/24/2018)
02/19/2019	159	ORDER of USCA (18-35789) as to 157 Notice of Appeal filed by Robert Boule. (GT) (Entered: 02/19/2019)
04/23/2019	160	ORDER of USCA (18-35789) as to 157 Notice of Appeal filed by Robert Boule. (GT) (Entered: 04/23/2019)
05/07/2019	161	ORDER of USCA (18-35789) as to 157 Notice of Appeal filed by Robert Boule. (GT) (Entered: 05/07/2019)
11/20/2020	162	OPINION FROM USCA (18-35789) (NOT THE MANDATE) as to 157 Notice of Appeal filed by Robert Boule. REVERSED AND REMANDED. (CDA) (Entered: 11/20/2020)
12/14/2020	163	MANDATE OF USCA (18-35789)

as to 157 Notice of Appeal filed by Robert Boule, 162 Memorandum/Opinion from USCA.

The Judgment from USCA takes effect this date. This constitutes the formal mandate of this Court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure. Costs are taxed against the appellee in the amount of \$380.30. **REVERSED AND REMANDED** (CDA) (Entered: 12/14/2020)

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| 12/14/2020 | 164 | ORDER OF USCA (18-35789) as to 157 Notice of Appeal filed by Robert Boule. The mandate issued on December 14, 2020 is recalled as issued in error. (CDA) (Entered: 12/14/2020) |
| 01/21/2021 | 165 | ORDER OF USCA (18-35789) as to 157 Notice of Appeal filed by Robert Boule. (CDA) (Entered: 01/25/2021) |
| 05/20/2021 | 166 | ORDER and AMENDED OPINION FROM USCA (18-35789) (NOT THE MANDATE) as to 157 Notice of Appeal filed by Robert Boule. REVERSED AND REMANDED. (CDA) (Entered: 05/21/2021) |
| 05/28/2021 | 167 | MANDATE OF USCA (18-35789) as to 157 Notice of Appeal filed by Robert Boule, 162 Memorandum/Opinion from USCA. |

The Judgment from USCA takes effect this date. This constitutes the formal mandate of this Court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure. Costs are taxed against the appellee in the amount of \$380.30. **REVERSED AND REMANDED** (CDA) Modified on 5/28/2021 ad hoc Case Admins (CDA). **MANDATE RECALLED PER USCA ORDER (Docket entry 169)**. Modified on 6/16/2021 to edit appeal info. (RE) (Entered: 05/28/2021)

06/02/2021 168 ORDER SETTING TRIAL DATE AND RELATED DATES by Judge Ricardo S. Martinez. Jury Trial is set for 11/15/2021 at 09:00 AM before Judge Ricardo S. Martinez. Length of Trial: *4-5 days*. Motions in Limine due by 10/18/2021, Pretrial Order due by 11/3/2021, Trial briefs to be submitted by 11/10/2021, Proposed voir dire/jury instructions due by 11/10/2021. (LC) (Entered: 06/02/2021)

06/15/2021 169 ORDER OF USCA (18-35789) as to 157 Notice of Appeal filed by Robert Boule. Appellees unopposed motion to recall and stay the mandate pending the filing of a petition for a writ of certiorari (Dkt. 106) is GRANTED. Fed. R. App. P. 41(b). **The mandate is recalled and stayed for a period**

not to exceed 90 days pending the filing of a petition for writ of certiorari in the Supreme Court. Should a petition for writ of certiorari be filed, the stay shall continue until final disposition by the Supreme Court. The moving party shall notify this court in writing of that filing on the same day the petition is filed in the Supreme Court. (RE) (Entered: 06/16/2021)

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| 06/21/2021 | 170 | ORDER STRIKING TRIAL DATE AND RELATED CASE DEADLINES re 169 Order of USCA. The Court STRIKES the trial date and related deadlines in this matter, Dkt. # 168 , and DIRECTS parties to file a stipulated motion upon conclusion of the stay setting forth a proposed case schedule. Signed by Judge Ricardo S. Martinez. (PM) (Entered: 06/21/2021) |
| 08/05/2021 | 171 | NOTICE FROM US SUPREME COURT (21-147) to the 9th Circuit Court of Appeals (18-35789) re 157 Notice of Appeal,. The petition for a writ of certiorari in the above entitled case was filed on 7/30/2021 and placed on the docket 8/3/2021 as No. 21-147. (CDA) (Entered: 08/05/2021) |
| 11/08/2021 | 172 | NOTICE FROM US SUPREME COURT (21-147) to the 9th Circuit Court of Appeals (18-35789) re 157 |