

OFFICE OF THE CLERK  
UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Return Notice To:

U.S. Court of Appeals for the Ninth Circuit  
Pioneer Courthouse  
700 S.W. Sixth Avenue, Suite 226  
Portland, Oregon 97204  
(503) 833-5311

ACKNOWLEDGMENT OF HEARING NOTICE

ATTENTION: Calendar Clerk

Date: \_\_\_\_\_

I acknowledge receipt of notice of assignment showing my case:

No. \_\_\_\_\_

Title: \_\_\_\_\_

assigned for hearing:

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Location: \_\_\_\_\_

Counsel to Argue: Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Party(s) Represented: \_\_\_\_\_

Please indicate any special needs you may require in the courtroom:

\_\_\_\_\_

NOTE: In the event that argument is to be presented "in pro per", please place party's name, address and telephone number in the space provided for counsel.

• Please submit a separate Notice of Appearance to the Clerk's Office for all counsel who have not already entered an appearance in the above referenced case(s).

**ADMISSION STATUS**

(To Be Completed by Attorneys Only)

( ) I certify that I am admitted to practice before this Court

( ) I certify that I am generally qualified for admission to practice before the bar of the Ninth Circuit and that I will immediately apply for admission. ( forms available online )

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

[www.ca9.uscourts.gov](http://www.ca9.uscourts.gov)

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Location of Hearing for the February Calendar:

Date of Notice:

U.S. Court of Appeals for the Ninth Circuit  
PIONEER COURTHOUSE  
700 SW Sixth Avenue, 2<sup>nd</sup> Floor  
Portland, Oregon 97204

December 15, 2008

📷 Picture ID required to enter Courthouse 📷  
COUNSEL WILL PLEASE CHECK-IN WITH THE DEPUTY IN THE COURTROOM  
All CJA Counsel call (415) 355-7873 for travel authorization

Monday, February 2, 2009 9:00 a.m. Courtroom 2<sup>nd</sup> Floor

( ) \* 08-35160 Moore v. State of Oregon  
( ) \* 08-35207 Hageman v. Hill  
( ) \* 08-35223 Wrenn v. Oregon Board of Parole  
( ) ~ 07-30414 United States v. Gallenardo  
( ) ~ 08-30063 United States v. Knowles  
( ) ~ 08-35250 Crickon v. Daniels

Tuesday, February 3, 2009 9:00 a.m. Courtroom 2<sup>nd</sup> Floor

( ) \* 08-30103 United States v. Littlehead  
( ) \* 08-30120 United States v. Christensen  
08-30121)  
( ) \* 08-30144 United States v. Stoddard  
( ) ~ 08-30090 United States v. Huitt  
( ) ~ 08-30061 United States v. Holt  
( ) ~ 08-30173 United States v. Crowe

\* MAXIMUM ARGUMENT TIME 10 MINUTES PER SIDE  
~ MAXIMUM ARGUMENT TIME 15 MINUTES PER SIDE  
OTHER CASES 20 MINUTES PER SIDE

PLEASE RETURN ENCLOSED ACKNOWLEDGMENT  
NOTICE TO CLERK'S OFFICE

Wireless Internet Connectivity available in the Pioneer Courthouse

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Wednesday, February 4, 2009 9:00 a.m. Courtroom 2<sup>nd</sup> Floor

- ( ) \* 08-30154 United States v. Warren
- ( ) \* 08-30157 United States v. Dykman
- ( ) \* 08-35490 Estey v. Hill
- ( ) ~ 06-36022 Qwest Corporation v. City of Portland
- ( ) ~ 06-36023 Qwest Communications v. City of Portland
- 06-36024)
- 06-36061)
- ( ) ~ 07-35935 MCI Comm. Serv., Inc. v. City of Eugene

Thursday, February 5, 2009 9:00 a.m. Courtroom 2<sup>nd</sup> Floor

- ( ) \* 05-36007 Salinas-Gonzalez v. Godfrey
- ( ) \* 07-35027 Clemente v. Oregon Dept. of Corrections
- ( ) \* 07-35398 Devine v. Smurfit-Stone
- ( ) ~ 07-72756 MacClarence v. EPA
- ( ) 07-35865 Mayfield v. USA

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~ MAXIMUM ARGUMENT TIME 15 MINUTES PER SIDE  
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Friday, February 6, 2009 9:00 a.m. Courtroom 2<sup>nd</sup> Floor

- ( ) \* 07-35626 Baxter v. Astrue
- ( ) \* 07-35670 Phillips v. Lithia Motors, Inc.
- ( ) \* 07-35784 Doe v. Bergstrom
- ( ) ~ 07-35627) Ash-Will Farms, L.C. v. Leachman  
07-35643)
- ( ) ~ 07-35677 Boise Tower v. Washington Capital
- ( ) ~ 07-35691 California Insurance v. Stimson Lumber Co.

\* MAXIMUM ARGUMENT TIME 10 MINUTES PER SIDE  
~ MAXIMUM ARGUMENT TIME 15 MINUTES PER SIDE  
OTHER CASES 20 MINUTES PER SIDE

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OFFICE OF THE CLERK  
U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT  
95 SEVENTH STREET, P.O. BOX 193939  
SAN FRANCISCO, CA 94119-3939

**NOTICE OF CASES SET FOR HEARING**

Your case has been set for hearing as indicated on the attached calendar. Please take special note of the time and place of hearing. In order that the court may make proper arrangements for oral argument, it is essential that you immediately complete the attached acknowledgment of hearing notice and return it to the Clerk's Office address provided.

In preparing for oral argument, the parties should be guided by Rule 34 of the Federal Rules of Appellate Procedure. The following information is provided to ensure the effectiveness of the hearing process:

**Possibility of Mootness or Settlement** - If your case has become moot or a settlement is imminent, immediately advise this office in writing and **BY TELEPHONE**.

**Notification of Related Cases** - If you are aware of other cases pending in this court which are related to and which should be calendared with the case(s) checked on the attached calendar, please notify this office.

**Admission for Oral Argument** - Any attorney who will be presenting oral argument must have been admitted to the bar of this court. If you have not been admitted, please check the appropriate box on the acknowledgment form and return it with a self-addressed franked envelope. This office will provide you with the forms necessary for admission by mail. While admission in open court on the day of hearing is discouraged, you may elect such an admission procedure. Candidates for admission in open court must appear in the Clerk's Office with a sponsor who has already been admitted to the bar of the circuit, and who can orally move the admission before the calendar is called.

**Submission Without Oral Argument** - A party who feels that oral argument would not be of assistance to the court may present a written motion asking the court to submit the case for decision without oral argument. Such a motion must be served on all parties. The court may, on its own motion, determine that oral argument would not be of assistance. In such cases, all parties will be advised by separate notice pursuant to Fed. R. App. P. 34(a).

**Appearing for Argument** - If oral argument is to be presented, please register with the courtroom deputy in the courtroom posted for your case 30 minutes before the time of the hearing. All parties for all cases must be registered and present at the time the session is convened.

**Hearing Order of Cases** - Cases are generally heard in the order in which they appear on the calendar. On the other hand, a panel may elect to poll the calendar prior to the commencement of argument and to rearrange the order of cases based on the projected length of the argument. Nevertheless, parties in the first case should be prepared to begin argument immediately after the court is convened in the event that the entire calendar is not polled.

**Limitation of Argument Time** - Argument time in cases on the calendar which are identified with an asterisk (\*) is limited to 10 minutes per side. In all other cases, oral argument time is limited to 20 minutes per side. The limitations may be modified by the panel at the time of hearing.

**Subject of Oral Argument** - At the time of hearing, the judges of the panel will have studied the briefs and the excerpts of record and will be familiar with the facts and issues of the case. Argument should be devoted to clarifying issues as needed and to responding to questions raised by the judges of the panel.

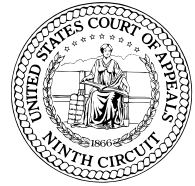
**Presenting Additional Citations** - Additional citations of relevant decisions rendered since the filing of the party's last brief -or after oral argument but before decision- may be submitted by letter, showing proof of service on all counsel and parties not represented by counsel. An original and four copies must be submitted to the court. The letter must state the reasons for the citations, referring to either the page of the brief or to a point argued orally. The body of the letter must not exceed 350 words. Any response must be made promptly and similarly limited. [FRAP 28], Cir. R. 28-6]

**Identity of Panel Members** - Not earlier than the week before the court week in which your case will be heard, the names of judges hearing the currently calendared cases will be announced. The names will be posted on the public bulletin board of the Clerk's Office of your local U.S. District Court and on this Court's web page. You may also determine the names of the judges by submitting with the enclosed acknowledgment form, a self-addressed, postage-paid envelope and a card listing the case number, date and time of hearing. We will write the names of the judges hearing your case on this card and mail it to you at the same time that the official calendars are mailed to the District Court Clerk's Offices for posting. [ [www.ca9.uscourts.gov](http://www.ca9.uscourts.gov) ]

**Continuances** - After a case has been calendared, continuances are not granted except for a showing of extraordinarily good cause. If oral argument is essential but you find it impossible to be present, you must, immediately after receipt of this hearing notice, submit a formal motion and supporting affidavit for continuance. Presentation of the motion does not ensure that the continuance is granted. The court will not consider the motion for continuance after the identity of the panel of judges has been divulged.



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UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT  
95 Seventh Street  
Post Office Box 193939  
San Francisco, California 94119-3939



Molly Dwyer, Clerk of Court

(415) 355-8000

## ***“PERFECTING YOUR APPEAL”***

In an effort to improve the quality of appellate advocacy, the Ninth Circuit has produced a 28-minute practice guide video. Separate versions oriented toward criminal and civil appeals are available. The guide, collaboratively developed by members of the Ninth Circuit bench, seasoned practitioners and court staff, traces a hypothetical case from filing to disposition.

The guide is a valuable aid for both experienced and novice advocates. Purchase requests accompanied by a **\$15** check or money order may be directed to:

**Office of the Clerk**  
United States Court of Appeals  
P.O. Box 193939  
San Francisco, CA 94119-3939

Copies are also available for viewing at all circuit library locations.

Viewing the tape may be applied to the continuing legal education requirements for California, Montana, Nevada, Oregon and Washington.