

General Docket
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 18-17269
Nature of Suit: 4370 Other Fraud
 Thomas Iglesias, et al v. Ferrara Candy Co.
Appeal From: U.S. District Court for Northern California, San Francisco
Fee Status: IFP

Docketed: 11/27/2018
Termed: 07/16/2019

Case Type Information:

- 1) civil
- 2) private
- 3) null

Originating Court Information:

District: 0971-3 : [3:17-cv-00849-VC](#)
Trial Judge: Vince Chhabria, District Judge

Date Filed: 02/21/2017**Date Order/Judgment:**
10/31/2018**Date Order/Judgment EOD:**
10/31/2018**Date NOA Filed:**
11/26/2018**Date Rec'd COA:**
11/27/2018**Prior Cases:**

14-56532	Date Filed: 09/17/2014	Date Disposed: 10/16/2014	Disposition: FRAP 42b Dismissal - Clerk Order
16-16759	Date Filed: 09/30/2016	Date Disposed: 11/16/2016	Disposition: Rule 42-1 Dismissal - Clerk Order
16-16817	Date Filed: 10/07/2016	Date Disposed: 02/08/2017	Disposition: Rule 42-1 Dismissal - Clerk Order
16-17235	Date Filed: 12/06/2016	Date Disposed: 03/07/2017	Disposition: Rule 42-1 Dismissal - Clerk Order
16-56436	Date Filed: 09/29/2016	Date Disposed: 10/20/2016	Disposition: Jurisdictional Defects - Judge Order
16-56650	Date Filed: 11/04/2016	Date Disposed: 11/05/2018	Disposition: Affirmed, Vacated, Remanded - Memorandum
17-15064	Date Filed: 01/13/2017	Date Disposed: 05/23/2017	Disposition: Rule 42-1 Dismissal - Clerk Order
17-15857	Date Filed: 04/27/2017	Date Disposed: 06/07/2017	Disposition: Rule 42-1 Dismissal - Clerk Order
17-56403	Date Filed: 09/18/2017	Date Disposed: 10/25/2017	Disposition: Rule 42-1 Dismissal - Clerk Order
17-56412	Date Filed: 09/19/2017	Date Disposed: 11/02/2017	Disposition: Rule 42-1 Dismissal - Clerk Order
18-16390	Date Filed: 07/25/2018	Date Disposed: 09/10/2018	Disposition: Rule 42-1 Dismissal - Clerk Order
18-55786	Date Filed: 06/14/2018	Date Disposed: 08/07/2018	Disposition: FRAP 42b Dismissal - Clerk Order

Current Cases:

None

THOMAS IGLESIAS, individually and on behalf of all others
 similarly situated

Plaintiff - Appellee,

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PATRICK S. SWEENEY
 Objector - Appellant,

Patrick S. Sweeney
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 2672 Mutchler Road
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v.

FERRARA CANDY CO.
Defendant - Appellee,

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Suite 100
Menlo Park, CA 94025

THOMAS IGLESIAS, individually and on behalf of all others similarly situated,

Plaintiff - Appellee,

v.

PATRICK S. SWEENEY,

Objector - Appellant,

v.

FERRARA CANDY CO.,

Defendant - Appellee.

- 11/27/2018 [1](#) DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL AND PRO SE APPELLANT. SEND
19 pg, 443.85 KB MQ: No. The schedule is set as follows: Appellant Patrick S. Sweeney opening brief due 01/25/2019. Appellees Ferrara Candy Co. and Thomas Iglesias answering brief due 02/25/2019. Appellant's optional reply brief is due 21 days after service of the answering brief. [11100224] (RT) [Entered: 11/27/2018 11:23 AM]
- 11/29/2018 [2](#) Filed clerk order (Deputy Clerk: CKP): Order to show cause docket fee due [11102845] (CKP) [Entered:
9 pg, 355.36 KB 11/29/2018 10:05 AM]
- 12/17/2018 [3](#) Filed Appellant Patrick S. Sweeney Mediation Questionnaire. Served on 11/27/2018. [11123104] (RL)
3 pg, 44.25 KB [Entered: 12/17/2018 03:31 PM]
- 12/17/2018 [4](#) Received Appellant Patrick S. Sweeney designation of reporter's transcript form (Civil Appeal Transcript
1 pg, 28.24 KB Information (FORM D)). [11123108] (RL) [Entered: 12/17/2018 03:32 PM]
- 12/17/2018 5 The Mediation Questionnaire for this case was filed on 12/17/2018.
To submit pertinent **confidential** information directly to the Circuit Mediators, please use the following [link](#). Confidential submissions may include any information relevant to mediation of the case and settlement potential, including, but not limited to, settlement history, ongoing or potential settlement discussions, non-litigated party related issues, other pending actions, and timing considerations that may impact mediation efforts.[11123437] (AD) [Entered: 12/17/2018 06:44 PM]
- 12/21/2018 [6](#) **Streamlined request by Appellant Patrick S. Sweeney to extend time to file the brief is not approved because it is premature. The current briefing schedule is as follows: Appellant Patrick S. Sweeney opening brief due 01/25/2019. Appellees Ferrara Candy Co. and Thomas Iglesias answering brief due 02/25/2019. Appellant's optional reply brief is due 21 days after service of the answering brief.**
1 pg, 41.67 KB [11130555] (JN) [Entered: 12/21/2018 12:25 PM]
- 01/02/2019 [7](#) **Streamlined request by Appellant Patrick S. Sweeney to extend time to file the brief is approved. Amended briefing schedule: Appellant Patrick S. Sweeney opening brief due 02/25/2019. Appellees Ferrara Candy Co. and Thomas Iglesias answering brief due 03/26/2019. The optional reply brief is due 21 days from the date of service of the answering brief.** [11139447] (Witt, Dusty) [Entered:
2 pg, 58.51 KB 01/02/2019 04:42 PM]
- 01/08/2019 [8](#) Filed clerk order (Deputy Clerk: JW): On November 29, 2018, this court issued an order directing appellant
2 pg, 268.3 KB to pay \$505.00 to the district court as the docketing and filing fees for this appeal, or file in this court a motion to proceed in forma pauperis. On December 21, 2018, appellant filed a motion for extension of time to file the opening brief but failed to address the fee status issue. Within 21 days from the date of this order, appellant shall have one final opportunity to pay \$505.00 to the district court as the docketing and filing fees for this appeal, or submit to this court a motion to proceed in forma pauperis. The filing of a motion to proceed in forma pauperis will automatically stay the briefing schedule under Ninth Circuit Rule 27-11. If appellant fails to comply with this order, the appeal will be dismissed automatically by the Clerk under Ninth Circuit Rule 42-1. [11144962] (CKP) [Entered: 01/08/2019 10:51 AM]
- 01/11/2019 9 Filed (ECF) notice of appearance of John Christopher Mitchell for Appellee Ferrara Candy Co.. Substitution
for Attorney Michael J. Shepard for Appellee Ferrara Candy Co.. Date of service: 01/11/2019. (Party previously proceeding without counsel: No) [11150263] [18-17269] (Mitchell, John) [Entered: 01/11/2019 12:53 PM]
- 01/11/2019 10 Attorney Michael J. Shepard in 18-17269 substituted by Attorney John Christopher Mitchell in 18-17269
[11150599] (RR) [Entered: 01/11/2019 02:49 PM]
- 01/28/2019 [11](#) Filed Appellant Patrick S. Sweeney motion to proceed In Forma Pauperis. Deficiencies: None. Served on
5 pg, 86.23 KB 01/16/2019. [11169667] (QDL) [Entered: 01/28/2019 02:52 PM]
- 02/07/2019 [12](#) Filed (ECF) Appellee Thomas Iglesias response opposing motion ([\[11\]](#) Party Motion). Date of service:
45 pg, 1.86 MB 02/07/2019. [11183359] [18-17269] (Clarkson, Ryan) [Entered: 02/07/2019 08:22 PM]
- 02/14/2019 13 Terminated Shalini M. Dogra for Thomas Iglesias in 18-17269 (Due to incorrect ECF account information).
[11190276] (SLM) [Entered: 02/14/2019 11:08 AM]
- 04/23/2019 [14](#) Filed order (WILLIAM A. FLETCHER and PAUL J. WATFORD) The motion to proceed in forma pauperis
2 pg, 124.59 KB (Docket Entry No. [\[11\]](#)) is granted. The Clerk shall amend the docket to reflect this status. The opening brief is due June 5, 2019; the answering brief is due July 5, 2019; and the optional reply brief is due within 21 days after service of the answering brief. Because appellant is not represented by counsel, appellant does not need to submit excerpts of record for this appeal. See 9th Cir. R. 30-1.2. Appellee's supplemental excerpts of record should include only the district court docket report, the notice of appeal, the judgment or order appealed from, and any specific portions of the record cited in the answering brief. See 9th Cir. R. 30-1.7. [11274085] (JBS) [Entered: 04/23/2019 02:24 PM]
- 05/02/2019 15 Filed (ECF) notice of appearance of Christopher J. Cox for Appellee Ferrara Candy Co.. Substitution for
Attorney Mr. John Christopher Mitchell for Appellee Ferrara Candy Co.. Date of service: 05/02/2019. (Party previously proceeding without counsel: No) [11284527] [18-17269] (Cox, Christopher) [Entered: 05/02/2019 10:36 AM]

- 05/02/2019 [16](#) Attorney John Christopher Mitchell in 18-17269 substituted by Attorney Christopher Cox in 18-17269 [11284539] (QDL) [Entered: 05/02/2019 10:41 AM]
- 06/24/2019 [17](#) Filed (ECF) Appellee Thomas Iglesias Motion to dismiss case for failure to prosecute (Cir. Rule 42-1). Date of service: 06/24/2019. [11342883] [18-17269] (Clarkson, Ryan) [Entered: 06/24/2019 04:38 PM]
4 pg, 888.3 KB
- 07/16/2019 [18](#) Filed order (Deputy Clerk: LBS) The opening brief was due June 5, 2019. Court records do not indicate that appellant has filed the opening brief or a motion for an extension of time to do so. This case is dismissed for failure to prosecute. See 9th Cir. R. 42-1. A copy of this order served on the district court shall, 21 days after the date of the order, become the mandate of this court. Appellee Thomas Iglesias's motion (Docket Entry No. [17](#)) to dismiss is denied as moot. [11365351] (JMR) [Entered: 07/16/2019 02:07 PM]
2 pg, 127.23 KB