

General Docket
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 12-57074 Nature of Suit: 3370 Other Fraud Salvatore Gallucci, et al v. Boiron, Inc., et al Appeal From: U.S. District Court for Southern California, San Diego Fee Status: Paid	Docketed: 11/15/2012 Termed: 06/11/2013
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Case Type Information:

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

Originating Court Information:

District: 0974-3 : [3:11-cv-02039-JAH-NLS](#)
Court Reporter: Cameron Pursley Kircher, Court Reporter
Trial Judge: John A. Houston, District Judge
Date Filed: 09/02/2011

Date Order/Judgment:	Date Order/Judgment EOD:	Date NOA Filed:	Date Rec'd COA:
10/31/2012	10/31/2012	11/14/2012	11/14/2012

Prior Cases:

None

Current Cases:

	Lead	Member	Start	End
Companion	12-57074	12-57184	12/03/2012	

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DORIS PETTY
Plaintiff - Appellee,

JEANNE PRINZIVALLI
Plaintiff - Appellee,

AMY ARONICA
Plaintiff - Appellee,

KIM JONES
Plaintiff - Appellee,

DAVID JOHNSON
Objector - Appellant,

MARIA CARAPIA
Objector - Appellant,

v.

BOIRON, INC.
Defendant - Appellee,

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BOIRON USA, INC.
Defendant - Appellee,

SALVATORE GALLUCCI; DORIS PETTY; JEANNE PRINZIVALLI; AMY ARONICA; KIM JONES, on behalf of themselves and others similarly situated,

Plaintiffs - Appellees,

DAVID JOHNSON; MARIA CARAPIA,

Objectors - Appellants,

v.

BOIRON, INC.; BOIRON USA, INC.,

Defendants - Appellees.

- 11/15/2012 [1](#) DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. SEND MQ: Yes. The schedule is set as follows: Fee due from Appellants Maria Carapia and David Johnson on 11/14/2012. Mediation Questionnaire due on 11/23/2012. Transcript ordered by 12/14/2012. Transcript due 01/14/2013. Appellants Maria Carapia and David Johnson opening brief due 02/22/2013. Appellees Amy Aronica, Boiron USA, Inc., Boiron, Inc., Salvatore Gallucci, Kim Jones, Doris Petty and Jeanne Prinzivalli answering brief due 03/25/2013. Appellant's optional reply brief is due 14 days after service of the answering brief. [8402583] (GR) [Entered: 11/15/2012 09:17 AM]
14 pg, 588.81 KB
- 11/26/2012 [2](#) Filed clerk order (Deputy Clerk: DVD): Order to show cause docket fee due. [8414818] (DEV) [Entered: 11/26/2012 04:45 PM]
10 pg, 574.01 KB
- 11/29/2012 [3](#) Filed (ECF) Appellants Maria Carapia and David Johnson Mediation Questionnaire. Date of service: 11/29/2012. [8419499] (Palmer, Joseph) [Entered: 11/29/2012 11:07 AM]
4 pg, 127.25 KB
- 12/13/2012 4 Received notification from District Court re: payment of docket fee. Amount Paid: USD 455.00. Date paid: 12/13/2012. [8437999] (RT) [Entered: 12/13/2012 02:14 PM]
- 12/31/2012 [5](#) Filed order MEDIATION (BS): The Mediation Program of the Ninth Circuit Court of Appeals facilitates settlement while appeals are pending. See Fed. R. App. P. 33 and Ninth Cir. R. 33-1. The court has scheduled a telephone settlement assessment conference, with counsel only, on January 14, 2013, at 1:30 p.m. Pacific Time (4:30 p.m. Eastern Time) to discuss whether this case is appropriate for participation in the Mediation Program. On or before January 10, 2013, all counsel who wish to participate in the conference should provide the following information to Mediation Assistant Beatriz Smith by email (Beatriz_Smith@ca9.uscourts.gov): (1) counsel's name and direct dial phone number; and (2) the name of the client being represented. Please notify Circuit Mediator Margaret Corrigan immediately by email (Margaret_Corrigan@ca9.uscourts.gov) if the dispute is settled, the appeal is dismissed or if counsel has an unavoidable scheduling conflict. Please copy all counsel on any such communications. All discussions that take place in the context of the assessment conference are strictly confidential. For more detailed information about the assessment conference, confidentiality, the Mediation Program and its procedures generally, please see the attachment to this order and the Mediation Program web site: www.ca9.uscourts.gov/mediation. [8457187] [12-57074, 12-57081] (BJB) [Entered: 12/31/2012 04:44 PM]
4 pg, 48.66 KB
- 01/09/2013 [6](#) Filed (ECF) notice of appearance of Brian D. Ginsberg for Appellees Boiron USA, Inc. and Boiron, Inc.. Date of service: 01/09/2013. [8466900]--[COURT UPDATE: Attached corrected notice. Resent NDA. 01/09/2013 by RY] (Ginsberg, Brian) [Entered: 01/09/2013 09:40 AM]
1 pg, 46.3 KB
- 01/10/2013 7 Added attorney Brian David Ginsberg for Boiron, Inc. Boiron USA, Inc. [8468690] (RL) [Entered: 01/10/2013 09:05 AM]
- 01/15/2013 [8](#) Filed order MEDIATION (MAC): On January 14, 2013, telephone conferences were held with Circuit Mediator Margaret A. Corrigan. J. Darrell Palmer, Esq. participated on behalf of appellants in appeal no. 12-57074; Ryan N. Ferrell, Esq. participated on behalf of appellant in appeal no. 12-57081; John J. Fitzgerald, Esq., Christina G. Sarchio, Esq., Haven G. Ward, Esq. and Brian D. Ginsberg, Esq. participated on behalf of appellees to these two appeals. The court has determined that these appeals will not be selected for inclusion in the Mediation Program. All further inquiries regarding these appeals, including requests for extensions of time, should be directed to the Clerk's office. Counsel are requested to contact the undersigned should circumstances develop that warrant further settlement discussions while the appeals are pending. [8474942] [12-57074, 12-57081] (SAM) [Entered: 01/15/2013 02:37 PM]
2 pg, 35.36 KB
- 02/22/2013 9 Filed (ECF) Streamlined request for extension of time to file Opening Brief by Appellants Maria Carapia and David Johnson. New requested due date is 03/22/2013. [8523019] (Palmer, Joseph) [Entered: 02/22/2013 11:03 AM]
- 02/22/2013 10 **Streamlined request [9] by Appellants Maria Carapia and David Johnson to extend time to file the brief is approved. Amended briefing schedule: Appellants Maria Carapia and David Johnson opening brief due 03/22/2013. Appellees Amy Aronica, Boiron USA, Inc., Boiron, Inc., Salvatore Gallucci, Kim Jones, Doris Petty and Jeanne Prinzivalli answering brief due 04/22/2013. The optional reply brief is due 14 days from the date of service of the answering brief.** [8523919] (CB) [Entered: 02/22/2013 04:28 PM]
- 03/21/2013 [11](#) Filed (ECF) Appellant Maria Carapia Motion to extend time to file Opening brief until 04/22/2013. Date of service: 03/21/2013. [8560418] (Palmer, Joseph) [Entered: 03/21/2013 04:59 PM]
4 pg, 85.61 KB
- 04/09/2013 [12](#) Filed clerk order (Deputy Clerk: AMT): Appellants' late motion for a 30-day extension of time to file the opening brief is granted. The opening brief is due April 22, 2013. The answering brief is due May 22, 2013. The optional reply brief is due within 14 days after service of the answering brief. [8583767] (SAM) [Entered: 04/09/2013 04:19 PM]
1 pg, 33.03 KB
- 05/22/2013 [13](#) Filed (ECF) Appellees Amy Aronica, Boiron USA, Inc. and Boiron, Inc. Joint Motion to dismiss the case. Date of service: 05/22/2013. [8640013] (Ginsberg, Brian) [Entered: 05/22/2013 04:58 PM]
7 pg, 1.37 MB
- 06/11/2013 [14](#) Filed order (Deputy Clerk: CAG) The opening brief was due April 22, 2013. A review of court records does not reflect that the appellants have file the opening brief. This appeal is therefore dismissed for failure to prosecute pursuant to Ninth Circuit Rule 42-1. The appellees' motion to dismiss is denied as moot. A copy
1 pg, 33.16 KB

of this order sent to the district court shall serve as and for the mandate of this court. [8662881] (SAM)
[Entered: 06/11/2013 10:53 AM]