

General Docket
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 17-16405
Nature of Suit: 4370 Other Fraud
 Theodore Frank v. Salov North America Corp., et al
Appeal From: U.S. District Court for Northern California, Oakland
Fee Status: Paid

Docketed: 07/12/2017
Termed: 09/11/2018

Case Type Information:

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

Originating Court Information:

District: 0971-4 : [4:14-cv-02411-YGR](#)
Court Reporter: Raynee Mercado
Court Reporter: Diane E. Skillman, Official Court Reporter
Trial Judge: Yvonne Gonzalez Rogers, District Judge
Date Filed: 05/23/2014
Date Order/Judgment: 07/07/2017

Date Order/Judgment EOD:
 07/07/2017

Date NOA Filed:
 07/11/2017

Date Rec'd COA:
 07/11/2017

Prior Cases:

None

Current Cases:

None

ROHINI KUMAR, an individual, on behalf of herself, the general public and those similarly situated
 Plaintiff - Appellee,

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THEODORE H. FRANK
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v.

SALOV NORTH AMERICA CORP.
Defendant - Appellee,

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ROHINI KUMAR, an individual, on behalf of herself, the general public and those similarly situated,

Plaintiff - Appellee,

v.

SALOV NORTH AMERICA CORP.,

Defendant - Appellee,

v.

THEODORE H. FRANK,

Objector - Appellant.

- 07/12/2017 [1](#)
16 pg, 1.08 MB DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. SEND MQ: Yes. The schedule is set as follows: Mediation Questionnaire due on 07/19/2017. Transcript ordered by 08/10/2017. Transcript due 09/11/2017. Appellant Theodore H. Frank opening brief due 10/19/2017. Appellees Rohini Kumar and Salov North America Corp. answering brief due 11/20/2017. Appellant's optional reply brief is due 21 days after service of the answering brief. [10506567] (RT) [Entered: 07/12/2017 04:28 PM]
- 07/17/2017 [2](#)
3 pg, 80.36 KB Received copy of amended notice of appeal from district court. [10511715] (JFF) [Entered: 07/17/2017 04:29 PM]
- 07/19/2017 [3](#)
4 pg, 139.33 KB Filed (ECF) Appellant Theodore H. Frank Mediation Questionnaire. Date of service: 07/19/2017. [10513674] [17-16405] (Chamberlain, William) [Entered: 07/19/2017 07:10 AM]
- 07/19/2017 [4](#)
2 pg, 196.87 KB MEDIATION ORDER FILED: This case is NOT SELECTED for inclusion in the Mediation Program. Counsel may contact circuit mediator to discuss services available through the court's mediation program, to request a settlement assessment conf, or to request a stay of the appeal for settlement purposes. Also, upon agreement of the parties, the brfing sch can be modified or vacated to facilitate settlement discussions. Csl are requested to send copies of this order to their clients. Info regarding the mediation program may be found at www.ca9.uscourts.gov/mediation. [10514520] (VS) [Entered: 07/19/2017 01:41 PM]
- 10/10/2017 5 Filed (ECF) Streamlined request for extension of time to file Opening Brief by Appellant Theodore H. Frank. New requested due date is 11/20/2017. [10610396] [17-16405] (Chamberlain, William) [Entered: 10/10/2017 07:14 AM]
- 10/10/2017 6 **Streamlined request [5] by Appellant Theodore H. Frank to extend time to file the brief is approved. Amended briefing schedule: Appellant Theodore H. Frank opening brief due 11/20/2017. Appellees Rohini Kumar and Salov North America Corp. answering brief due 12/20/2017. The optional reply brief is due 21 days from the date of service of the answering brief.** [10612221] (SB) [Entered: 10/10/2017 04:18 PM]
- 10/31/2017 [7](#)
2 pg, 172.53 KB Filed (ECF) notice of appearance of Theodore Harold Frank for Appellant Theodore H. Frank. Date of service: 10/31/2017. [10637883] [17-16405] (Frank, Theodore) [Entered: 10/31/2017 11:40 AM]
- 10/31/2017 8 Attorney William Isaac Chamberlain in 17-16405 substituted by Attorney Theodore H. Frank in 17-16405 [10638120] (QDL) [Entered: 10/31/2017 01:23 PM]
- 11/17/2017 [9](#)
2 pg, 775.76 KB Filed (ECF) notice of appearance of Anna St. John for Appellant Theodore H. Frank. Date of service: 11/17/2017. [10658009] [17-16405] (St. John, Anna) [Entered: 11/17/2017 07:39 AM]
- 11/17/2017 10 Attorney Theodore H. Frank in 17-16405 substituted by Attorney Anna W. St. John in 17-16405 [10658116] (QDL) [Entered: 11/17/2017 09:10 AM]
- 11/17/2017 [11](#)
2 pg, 775.81 KB Filed (ECF) notice of appearance of Melissa Ann Holyoak for Appellant Theodore H. Frank. Date of service: 11/17/2017. [10658549] [17-16405] (Holyoak, Melissa) [Entered: 11/17/2017 11:29 AM]
- 11/20/2017 12 Added attorney Melissa Ann Holyoak for Theodore H. Frank, in case 17-16405. [10661189] (QDL) [Entered: 11/20/2017 02:02 PM]
- 11/20/2017 [13](#)
59 pg, 1.1 MB Submitted (ECF) Opening Brief for review. Submitted by Appellant Theodore H. Frank. Date of service: 11/20/2017. [10661212] [17-16405] (Holyoak, Melissa) [Entered: 11/20/2017 02:08 PM]
- 11/20/2017 [14](#)
409 pg, 11.22 MB Submitted (ECF) excerpts of record. Submitted by Appellant Theodore H. Frank. Date of service: 11/20/2017. [10661253] [17-16405] (Holyoak, Melissa) [Entered: 11/20/2017 02:18 PM]
- 11/21/2017 [15](#)
2 pg, 187.9 KB Filed clerk order: The opening brief [\[13\]](#) submitted by Theodore H. Frank is filed. 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 paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate CM/ECF. The Court has reviewed the excerpts of record [\[14\]](#) submitted by Theodore H. Frank. Within 7 days of this order, filer is ordered to file 4 copies of the excerpts in paper format, with a white cover. The paper copies must be in the format described in 9th Circuit Rule 30-1.6. [10662426] (KWG) [Entered: 11/21/2017 10:31 AM]
- 11/27/2017 16 Received 7 paper copies of Opening Brief [\[13\]](#) filed by Theodore H. Frank. [10667978] (SD) [Entered: 11/27/2017 02:54 PM]
- 11/27/2017 17 Filed 4 paper copies of excerpts of record [\[14\]](#) in 3 volume(s) filed by Appellant Theodore H. Frank. [10670557] (LA) [Entered: 11/28/2017 06:36 PM]
- 11/29/2017 18 Filed (ECF) Streamlined request for extension of time to file Answering Brief by Appellee Rohini Kumar. New requested due date is 01/19/2018. [10671049] [17-16405] (Gutride, Adam) [Entered: 11/29/2017 10:40 AM]
- 11/29/2017 19 **Streamlined request [18] by Appellee Salov North America Corp. to extend time to file the brief is approved. Amended briefing schedule: Appellees Rohini Kumar and Salov North America Corp.**

answering brief due 01/19/2018. The optional reply brief is due 21 days from the date of service of the answering brief. [10671330] (LW) [Entered: 11/29/2017 12:20 PM]

- 01/12/2018 [20](#)
4 pg, 103.19 KB Filed (ECF) Appellee Rohini Kumar Joint Motion to extend time to file Answering brief until 02/02/2018. Date of service: 01/12/2018. [10724322] [17-16405] (Safier, Seth) [Entered: 01/12/2018 07:24 PM]
- 01/16/2018 [21](#)
1 pg, 186.4 KB Filed clerk order (Deputy Clerk: SM): Granting Joint Motion [\[20\]](#) to extend time to file brief filed by Appellee Rohini Kumar. Appellees Rohini Kumar and Salov North America Corp. answering brief due February 2, 2018. The optional reply brief is due March 23, 2018. [10725365] (SAM) [Entered: 01/16/2018 11:38 AM]
- 02/02/2018 [22](#)
26 pg, 250.5 KB Submitted (ECF) Answering Brief for review. Submitted by Appellee Salov North America Corp.. Date of service: 02/02/2018. [10750157] [17-16405] (Reddy, Nitin) [Entered: 02/02/2018 03:49 PM]
- 02/02/2018 [23](#)
66 pg, 379.98 KB Submitted (ECF) Answering Brief for review. Submitted by Appellee Rohini Kumar. Date of service: 02/02/2018. [10750276] [17-16405] (Gutride, Adam) [Entered: 02/02/2018 04:29 PM]
- 02/02/2018 [24](#)
26 pg, 1.16 MB Submitted (ECF) supplemental excerpts of record. Submitted by Appellee Rohini Kumar. Date of service: 02/02/2018. [10750279] [17-16405] (Gutride, Adam) [Entered: 02/02/2018 04:30 PM]
- 02/02/2018 [25](#)
2 pg, 188.1 KB Filed clerk order: The answering brief [\[22\]](#) submitted by Salov North America Corp. is filed. 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 paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate CM/ECF. [10750331] (LA) [Entered: 02/02/2018 04:53 PM]
- 02/02/2018 [26](#)
2 pg, 188.51 KB Filed clerk order: The answering brief [\[23\]](#) submitted by Rohini Kumar is filed. 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 paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate CM/ECF. The Court has reviewed the supplemental excerpts of record [\[24\]](#) submitted by Rohini Kumar. Within 7 days of this order, filer is ordered to file 4 copies of the excerpts in paper format, with a white cover. The paper copies must be in the format described in 9th Circuit Rule 30-1.6. [10750334] (LA) [Entered: 02/02/2018 04:54 PM]
- 02/06/2018 [27](#)
Received 7 paper copies of Answering Brief [\[22\]](#) filed by Salov North America Corp.. [10753285] (SD) [Entered: 02/06/2018 11:14 AM]
- 02/07/2018 [28](#)
Received 7 paper copies of Answering Brief [\[23\]](#) filed by Rohini Kumar. [10755693] (SD) [Entered: 02/07/2018 04:46 PM]
- 02/07/2018 [29](#)
Filed 4 paper copies of supplemental excerpts of record [\[24\]](#) in 1 volume(s) filed by Appellee Rohini Kumar. [10756661] (KWG) [Entered: 02/08/2018 01:47 PM]
- 03/23/2018 [30](#)
34 pg, 531.04 KB Submitted (ECF) Reply Brief for review. Submitted by Appellant Theodore H. Frank. Date of service: 03/23/2018. [10810612] [17-16405] (Holyoak, Melissa) [Entered: 03/23/2018 12:48 PM]
- 03/23/2018 [31](#)
2 pg, 188.05 KB Filed clerk order: The reply brief [\[30\]](#) submitted by Theodore H. Frank is filed. 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 paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate CM/ECF. [10811374] (LA) [Entered: 03/23/2018 06:10 PM]
- 03/28/2018 [32](#)
Received 7 paper copies of Reply Brief [\[30\]](#) filed by Theodore H. Frank. [10815808] (SD) [Entered: 03/28/2018 11:37 AM]
- 05/14/2018 [33](#)
This case is being considered for an upcoming oral argument calendar in Seattle
- Please review the Seattle sitting dates for September 2018 and the two 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 inform the court *within 3 days of this notice*, using CM/ECF (**Type of Document:** File Correspondence to Court; **Subject:** regarding availability for oral argument).
- 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 days of this notice*, using CM/ECF (**Type of Document:** File Correspondence to Court; **Subject:** request for mediation).[10870876] (AW) [Entered: 05/14/2018 10:01 AM]
- 05/15/2018 [34](#)
1 pg, 105.91 KB Filed (ECF) Appellee Rohini Kumar Correspondence: regarding availability for oral argument. Date of service: 05/15/2018 [10873537] [17-16405] (Gutride, Adam) [Entered: 05/15/2018 03:57 PM]

- 05/17/2018 [35](#) Filed (ECF) Appellant Theodore H. Frank Correspondence: regarding availability for oral argument. Date of service: 05/17/2018 [10877163] [17-16405] (Holyoak, Melissa) [Entered: 05/17/2018 08:11 PM]
2 pg, 100.17 KB
- 05/25/2018 [36](#) Terminated Mark E. Haddad for Salov North America Corp. in 17-16405 - RETIRED (Due to incorrect ECF account information). [10886078] (SLM) [Entered: 05/25/2018 12:38 PM]
- 06/20/2018 [37](#) Notice of Oral Argument on Tuesday, August 28, 2018 - 09:30 A.M. - SE 7th Flr Courtroom 2 - Seattle WA.

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

Be sure to review the [GUIDELINES](#) for important information about your hearing, including when to arrive (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).

When you have reviewed the calendar, download the [ACKNOWLEDGMENT OF HEARING NOTICE form](#), complete the form, and file it via Appellate ECF or return the completed form to: SEATTLE Office. [10915331] (SB) [Entered: 06/20/2018 10:05 AM]
- 07/03/2018 [38](#) Filed (ECF) Acknowledgment of hearing notice. Location: Seattle. Filed by Attorney Mrs. Melissa Ann Holyoak for Appellant Theodore H. Frank. [10929836] [17-16405] (Holyoak, Melissa) [Entered: 07/03/2018 06:08 AM]
2 pg, 690.3 KB
- 07/03/2018 [39](#) Filed (ECF) Acknowledgment of hearing notice. Location: Seattle. Filed by Attorney Mr. Adam Joshua Gutride for Appellee Rohini Kumar. [10930335] [17-16405] (Gutride, Adam) [Entered: 07/03/2018 10:52 AM]
1 pg, 73.43 KB
- 07/05/2018 [40](#) Filed (ECF) Acknowledgment of hearing notice. Location: Seattle. Filed by Attorney Mr. Sean Ashley Commons, Esquire for Appellee Salov North America Corp.. [10931877] [17-16405] (Commons, Sean) [Entered: 07/05/2018 10:36 AM]
2 pg, 433.21 KB
- 08/21/2018 [41](#) COURT DELETED INCORRECT/DUPLICATE ENTRY. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: [42](#). Original Text: Filed (ECF) Appellee Rohini Kumar citation of supplemental authorities. Date of service: 08/21/2018. [10983863] [17-16405] (Gutride, Adam) [Entered: 08/21/2018 12:03 PM]
- 08/21/2018 [42](#) Filed (ECF) Appellee Rohini Kumar citation of supplemental authorities. Date of service: 08/21/2018. [10984860] [17-16405] (Gutride, Adam) [Entered: 08/21/2018 06:22 PM]
3 pg, 132.93 KB
- 08/22/2018 [43](#) Filed (ECF) Appellant Theodore H. Frank citation of supplemental authorities. Date of service: 08/22/2018. [10985297] [17-16405] (Holyoak, Melissa) [Entered: 08/22/2018 10:12 AM]
3 pg, 145.3 KB
- 08/22/2018 [44](#) Filed (ECF) Appellant Theodore H. Frank citation of supplemental authorities. Date of service: 08/22/2018. [10986552] [17-16405] (Holyoak, Melissa) [Entered: 08/22/2018 08:13 PM]
6 pg, 291.02 KB
- 08/28/2018 [45](#) ARGUED AND SUBMITTED TO M. MARGARET MCKEOWN, WILLIAM A. FLETCHER and RONALD M. GOULD. [10992415] (KM) [Entered: 08/28/2018 10:26 AM]
- 08/28/2018 [46](#) Filed Audio recording of oral argument.
Note: Video recordings of public argument calendars are available on the Court's website, at <http://www.ca9.uscourts.gov/media/> [10993780] (KM) [Entered: 08/29/2018 08:18 AM]
1 pg, 8.5 MB
- 09/11/2018 [47](#) FILED MEMORANDUM DISPOSITION (M. MARGARET MCKEOWN, WILLIAM A. FLETCHER and RONALD M. GOULD) AFFIRMED. FILED AND ENTERED JUDGMENT. [11007057] (SD) [Entered: 09/11/2018 09:26 AM]
8 pg, 436.07 KB
- 10/02/2018 [48](#) Filed (ECF) Appellant Theodore H. Frank Motion to stay the mandate. Date of service: 10/02/2018. [11032298] [17-16405] (Holyoak, Melissa) [Entered: 10/02/2018 01:20 PM]
6 pg, 113.58 KB
- 10/03/2018 [49](#) Filed (ECF) Appellee Salov North America Corp. Correspondence: Notice of Withdrawal of Counsel - Nitin Reddy. Date of service: 10/03/2018 [11033850] [17-16405] (Commons, Sean) [Entered: 10/03/2018 12:01 PM]
3 pg, 84.38 KB
- 10/03/2018 [50](#) Terminated Nitin Reddy for Salov North America Corp. in 17-16405 [11033882] (CW) [Entered: 10/03/2018 12:22 PM]
- 10/03/2018 [51](#) Filed order (M. MARGARET MCKEOWN, WILLIAM A. FLETCHER and RONALD M. GOULD) Objector-Appellant Theodore H. Frank's motion to stay the mandate pending his petition for writ of certiorari is granted. Fed. R. App. P. 41(d)(2). [11034395] (WL) [Entered: 10/03/2018 03:28 PM]
1 pg, 192.41 KB
- 01/04/2019 [52](#) MANDATE ISSUED.(MMM, WAF and RMG) [11141060] (CW) [Entered: 01/04/2019 07:03 AM]
2 pg, 184.96 KB