

**General Docket
Third Circuit Court of Appeals**

Court of Appeals Docket #: 09-3765
Nature of Suit: 4190 Other Contract Actions
 Debbie Milliron v. T Mobile USA Inc
Appeal From: United States District Court for the District of New Jersey
Fee Status: Paid

Docketed: 09/29/2009
Termed: 03/23/2011

Case Type Information:

- 1) civil
- 2) private
- 3) Diversity

Originating Court Information:

District: 0312-2 : [2-08-cv-04149](#)
Court Reporter: Phyllis Lewis
Trial Judge: Jose L Linares, U.S. District Judge
Date Filed: 08/18/2008
Date Order/Judgment: 09/11/2009

Date Order/Judgment EOD:
 09/11/2009

Date NOA Filed:
 09/22/2009

Prior Cases:

None

Current Cases:

	Lead	Member	Start	End
Related	09-3765	09-4033	10/27/2009	
	09-3765	09-4034	10/27/2009	
	09-3765	09-4035	10/28/2009	
	09-3765	10-1149	09/09/2010	
	joined			
	09-3765	09-3934	10/22/2009	
	09-3765	09-4031	10/27/2009	
	09-3765	09-4032	10/27/2009	
	09-4033	09-4034	04/06/2011	
	09-4033	09-4035	04/06/2011	
	09-4033	10-1149	04/06/2011	

DEBBIE MILLIRON, individually and on behalf of all others similarly situated

Plaintiff - Appellee

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v.

T MOBILE USA INC
 Defendant - Appellee

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Not Party - Appellant

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














DEBBIE MILLIRON, individually and on behalf of all others
similarly situated

























v.


T-MOBILE USA INC.


Daniel Phee,
Appellant


(Pursuant to Rule 12(a), Fed. R. App. Proc.)


09/29/2009		CIVIL CASE DOCKETED. Notice filed by Appellant Daniel Phee. (MB)
	47 pg, 1.45 MB	
09/29/2009		RECORD available on District Court CM/ECF. (MB)
10/09/2009		ECF FILER: TRANSCRIPT PURCHASE ORDER (Part III) filed by Miss Phyllis Lewis for the date(s) of 07/27/2009. Transcripts were filed in the District Court on 08/08/2009. (RD)
10/13/2009		ECF FILER: ENTRY OF APPEARANCE from Gavin J. Rooney, Esq. on behalf of Appellee(s) T-Mobile USA, Inc.. (GJR)
10/13/2009		ECF FILER: DISCLOSURE STATEMENT on behalf of Appellee T-Mobile USA Inc, filed. (GJR)
	2 pg, 35.48 KB	
10/19/2009		ECF FILER: ENTRY OF APPEARANCE from Jacob A. Goldberg on behalf of Appellant(s) Debbie Milliron. STRICKEN AS OF 10/21/09 TEXT ORDER.--[Edited 10/22/2009 by MB]--[Edited 10/22/2009 by MB] (JAG)
10/19/2009		ECF FILER: ENTRY OF APPEARANCE from Jacob A. Goldberg on behalf of Appellant(s) Gary Hellman, Tamara Ruiz, Magaret Gripaldi, Margaret Schwartz, the Law Offices of Scott Bursor, Faruqi & Faruqi, LLP, Gilman & Pastor, LLP and Mager & Goldstein, LLP. STRICKEN AS OF 10/21/09 TEXT ORDER.--[Edited 10/22/2009 by MB] (JAG)
	2 pg, 132.56 KB	
10/19/2009		ECF FILER: ENTRY OF APPEARANCE from David S. Senoff, Esquire on behalf of Appellant(s) Bramson, Plutzik, Mahler & Birkhaesuer, LLP; Franklin & Franklin; Law Offices of Anthony A. Ferrigno; REich Radcliffe & Kuttler; Law Offices of Carl Hilliard, Cuneo Gilbert & LaDuca; and the Law Offices of Joshua Davis. STRICKEN AS OF 10/21/09 TEXT ORDER.--[Edited 10/22/2009 by MB] (DSS)
	2 pg, 55.02 KB	
10/21/2009		TEXT ONLY ORDER (Clerk)The entries of appearance filed by Jacob A. Goldberg, Esq. and David S. Senoff, Esq. will be stricken from the docket as it is noted that the parties represented by these attorneys have filed their own appeals and are not correctly denominated as Appellants in this appeal. Counsel should re-file the entries of appearance in their clients' respective appeals once said appeals have been docketed. (KAG)
10/27/2009		ECF FILER: ENTRY OF APPEARANCE from Jeffrey L. Weinstein on behalf of Appellant(s) Daniel Phee. (JLW)
	1 pg, 47.02 KB	
10/27/2009		ECF FILER: Concise Summary of the Case filed by Appellant Daniel Phee, received. (JLW)
	43 pg, 2.38 MB	
10/27/2009		ECF FILER: DISCLOSURE STATEMENT on behalf of Appellant Daniel Phee, filed. (JLW)
	2 pg, 86.68 KB	
10/27/2009		ECF FILER: CIVIL INFORMATION STATEMENT on behalf of Appellant Daniel Phee, filed. (JLW)
	2 pg, 106.72 KB	
10/28/2009		CLERK ORDER consolidating for purposes of scheduling, joint appendix, appellee's brief and disposition, filed. [09-3765, 09-3934, 09-3935, 09-4031, 09-4032, 09-4033, 09-4034, 09-4035] (MB)
11/03/2009		FOLLOW UP LETTER to James E. Cecchi, Esq. for Debbie Milliron and Lindsey H. Taylor, Esq. for Debbie Milliron requesting the following document(s): Appearance Form on or before 11/17/2009. (MB)
	2 pg, 74.28 KB	
11/05/2009		NONCOMPLIANCE Order sent to Appellee Debbie Milliron requesting Correct Case number to be typed on appearance form.. Compliance due 11/10/2009. (MB)
	2 pg, 70.7 KB	
11/05/2009		NONCOMPLIANCE Order sent to Appellee Debbie Milliron requesting correct case number to be typed on appearance form. Attorney must be a register user also. Compliance due 11/10/2009.--[Edited 11/05/2009 by MB]--[Edited 11/05/2009 by MB] (MB)
	2 pg, 70.04 KB	
11/05/2009		CLERK'S OFFICE QUALITY CONTROL MESSAGE: Transcript Purchase Order (Part III) docketed 10/9/09. ERROR: Transcript Purchase Order (Part III) docketed on 10/9/09 filed in wrong case CORRECTION: Transcripts Purchase Order (Part III) docketed on 10/9/09 will be deleted and docketed in case no. 09-4032. THIS MESSAGE IS FOR INFORMATIONAL PURPOSES ONLY. (MB)
11/05/2009		ECF FILER: ENTRY OF APPEARANCE from Lindsey H. Taylor on behalf of Appellee(s) Debbie Milliron and Plaintiff Class. [09-3765, 09-3934, 09-3935, 09-4031, 09-4032, 09-4033, 09-4034, 09-4035] (LHT)
	1 pg, 16.35 KB	
11/05/2009		ECF FILER: ENTRY OF APPEARANCE from James E. Cecchi on behalf of Appellee(s) Debbie Milliron and Plaintiff Class. [09-3765, 09-3934, 09-3935, 09-4031, 09-4032, 09-4033, 09-4034, 09-4035] (LHT)
	1 pg, 16.34 KB	
11/06/2009		COMPLIANCE RECEIVED. Appearance Forms from Lindsey H. Taylor and James E. Cecchi. (MB)


- 11/20/2009   ECF FILER: DISCLOSURE STATEMENT on behalf of Appellants Faruqi & Faruqi, Gilman & Pastor, Law Office of Scott A. Bursor and Mager & Goldstein in 09-4033, filed. [09-4033, 09-3765] (JAG)
8 pg, 799.1 KB
- 01/26/2010   CLERK ORDER consolidating the Appeal 10-1149 with 09-3765, 09-3934, 09-4031, 09-4032, 09-4033 and 09-4035 for Disposition only, filed. [10-1149, 09-3765, 09-3934, 09-4031, 09-4032, 09-4033, 09-4034, 09-4035] (MB)
- 02/05/2010   ECF FILER: CIVIL INFORMATION STATEMENT on behalf of Appellants Bramson, Plutzik, Mahler & Birkhaeuser, Cuneo, Gilbert & LaDuca, Franklin & Franklin, Law Offices of Anthony A. Ferrigno, Law Offices of Carl Hilliard, Law Offices of Joshua Davis and Reich, Radcliffe & Kuttler in 10-1149, filed. [10-1149, 09-3765]--[Edited 02/25/2010 by MGD] (DSS)
2 pg, 78.31 KB
- 02/05/2010   ECF FILER: Concise Summary of the Case filed by Appellants Bramson, Plutzik, Mahler & Birkhaeuser, Cuneo, Gilbert & LaDuca, Franklin & Franklin, Law Offices of Anthony A. Ferrigno, Law Offices of Carl Hilliard, Law Offices of Joshua Davis and Reich, Radcliffe & Kuttler in 10-1149, received. [10-1149, 09-3765]--[Edited 02/25/2010 by MGD] (DSS)
11 pg, 527.12 KB
- 02/05/2010   ECF FILER: Transcript Purchase Order Form (Part 1) filed by Appellants Bramson, Plutzik, Mahler & Birkhaeuser, Cuneo, Gilbert & LaDuca, Franklin & Franklin, Law Offices of Anthony A. Ferrigno, Law Offices of Carl Hilliard, Law Offices of Joshua Davis and Reich, Radcliffe & Kuttler in 10-1149 advising this court that transcripts are not needed. [10-1149, 09-3765]--[Edited 02/25/2010 by MGD] (DSS)
1 pg, 51.86 KB
- 08/12/2010   ECF FILER: Motion filed by Appellants Bramson, Plutzik, Mahler & Birkhaeuser, Cuneo, Gilbert & LaDuca, Franklin & Franklin, Law Offices of Anthony A. Ferrigno, Law Offices of Carl Hilliard, Law Offices of Joshua Davis and Reich, Radcliffe & Kuttler to consolidate 10-1149 and 09-4035 for all purposes and if Court is not inclined to consolidate for all purposes, an extension of time to file a brief to September 23,2010. Certificate of Service dated 08/12/2010. [10-1149, 09-3765]--[Edited 08/24/2010 by MB]--[Edited 08/24/2010 by MB] (DSS)
5 pg, 172.69 KB
- 09/09/2010   CLERK ORDER granting motion by Appellants in No. 10-1149 to consolidate with 09-4035 for all purposes. The briefing schedule entered in No. 10-1149 is hereby vacated. It is noted that Nos. 09-3765, 09-3934, 09-4031, 09-4032, 09-4033, 09-4034 and 09-4035 were previously consolidated for purposes of scheduling, joint appendix, appellee's brief and disposition by Clerk's Order entered October 28, 2009. That consolidation remains in effect. A consolidated briefing schedule will be issued by the Clerk at the appropriate time, filed. [10-1149, 09-3934, 09-4031, 09-4032, 09-4033, 09-4034, 09-4035] (Open document for full text of order). (MB)
2 pg, 25.38 KB
- 10/07/2010   BRIEFING NOTICE ISSUED. Brief on behalf of Appellant Daniel Phee, Appellant Thomas A. Carder, Appellant Kimberley Lyons, Appellant Aaron Miller, Appellant Aaron Petrus, Appellant Stacie Hayes, Appellant Faruqi & Faruqi, Appellant Gilman & Pastor, Appellant Law Office of Scott A Bursor, Appellant Mager & Goldstein, Appellant Margaret Gripaldi, Appellant Gary Hellman, Appellant Tamara Ruiz, Appellant Margaret Schwarz, Appellant Bramson, Plutzik, Mahler & Birkhaeuser, Appellant Cuneo, Gilbert & LaDuca, Appellant Franklin & Franklin, Appellant Law Offices of Anthony A. Ferrigno, Appellant Law Offices of Carl Hilliard, Appellant Law Offices of Joshua Davis and Appellant Reich, Radcliffe & Kuttler due on or before 11/16/2010. Appendix due on or before 11/16/2010. [09-3765, 09-3934, 09-4031, 09-4032, 09-4033, 09-4034, 09-4035, 10-1149] (MB)
2 pg, 8.55 KB
- 11/16/2010   ECF FILER: ELECTRONIC BRIEF on behalf of Appellant Daniel Phee in 09-3765, filed. Certificate of Service dated 11/16/2010 by ECF. [Entry was mistakenly spead and has been removed from case nos. 09-3934, 09-4031, 09-4032, 09-4033, 09-4034, 09-4035, 10-1149]--[Edited 11/18/2010 by EMA] (JLW)
30 pg, 71.84 KB
- 11/16/2010   ECF FILER: ELECTRONIC JOINT APPENDIX on behalf of Appellants Bramson, Plutzik, Mahler & Birkhaeuser, Cuneo, Gilbert & LaDuca, Franklin & Franklin, Law Offices of Anthony A. Ferrigno, Law Offices of Carl Hilliard, Law Offices of Joshua Davis and Reich, Radcliffe & Kuttler in 09-4035, Appellant Daniel Phee in 09-3765, Appellants Faruqi & Faruqi, Gilman & Pastor, Law Office of Scott A Bursor and Mager & Goldstein in 09-4033, Appellants Margaret Gripaldi, Gary Hellman, Tamara Ruiz and Margaret Schwarz in 09-4034, 10-1149, filed. Certificate of service dated 11/16/2010 by 3rd party. [09-4035, 09-3765, 09-4033, 09-4034, 10-1149] (DSS)
1182 pg, 38.56 MB
- 11/17/2010  HARD COPY RECEIVED from Appellant Daniel Phee in 09-3765, Appellants Faruqi & Faruqi, Gilman & Pastor, Law Office of Scott A Bursor and Mager & Goldstein in 09-4033, Appellants Margaret Gripaldi, Gary Hellman, Tamara Ruiz and Margaret Schwarz in 09-4034, Appellants Bramson, Plutzik, Mahler & Birkhaeuser, Cuneo, Gilbert & LaDuca, Franklin & Franklin, Law Offices of Anthony A. Ferrigno, Law Offices of Carl Hilliard, Law Offices of Joshua Davis and Reich, Radcliffe & Kuttler in 09-4035, 10-1149 - Appendix. Copies: 4. Volumes: 5 [09-3765, 09-4033, 09-4034, 09-4035, 10-1149] (EAF)
- 11/19/2010  HARD COPY RECEIVED from Appellant Daniel Phee - Brief. Copies: 10. (KEL)
- 12/08/2010   ECF FILER: LETTER on behalf of Attorney Gavin J. Rooney, Esq. for Appellee T-Mobile USA Inc. Certificate of Service dated 12/08/2010. (GJR)
1 pg, 155.06 KB


12/23/2010  ECF FILER: ELECTRONIC BRIEF on behalf of Appellee Debbie Milliron in 09-3765, 09-3934, 09-4031, 09-4032, 09-4033, 09-4034, 09-4035, 10-1149, filed. Certificate of Service dated 12/23/2010 by ECF. [09-3765, 09-3934, 09-4031, 09-4032, 09-4033, 09-4034, 09-4035, 10-1149] (JEC)
64 pg, 247.97 KB


12/23/2010  ECF FILER: ELECTRONIC BRIEF on behalf of Appellee T-Mobile USA Inc in 09-3765, 09-3934, 09-4031, 09-4032, 09-4033, 09-4034, 09-4035, 10-1149, filed. Certificate of Service dated 12/23/2010. [09-3765, 09-3934, 09-4031, 09-4032, 09-4033, 09-4034, 09-4035, 10-1149][Changed event ecf/resp/br and docket text].--[Edited 12/29/2010 by MCW] (GJR)
44 pg, 124.73 KB


12/23/2010  ECF FILER: Motion filed by Appellees T-Mobile USA Inc and Debbie Milliron to supplement the appendix. Certificate of Service dated 12/23/2010. [09-3765, 09-3934, 09-4031, 09-4032, 09-4033, 09-4034, 09-4035, 10-1149].--[Edited 12/29/2010 by MCW] (GJR)
5 pg, 16.49 KB


12/23/2010  ECF FILER: SUPPLEMENTAL ELECTRONIC APPENDIX on behalf of Appellees T-Mobile USA Inc. and Debbie Milliron, filed. Certificate of Service dated 12/23/2010. [09-3765, 09-3934, 09-4031, 09-4032, 09-4033, 09-4034, 09-4035, 10-1149].--[Edited 12/29/2010 by MCW] (GJR)
52 pg, 2.63 MB


12/27/2010  HARD COPY RECEIVED from Appellee T-Mobile USA Inc in 09-3765, 09-3934, 09-4031, 09-4032, 09-4033, 09-4034, 09-4035, 10-1149 - Brief. Copies: 10. [09-3765, 09-3934, 09-4031, 09-4032, 09-4033, 09-4034, 09-4035, 10-1149] (KEL)


12/27/2010  HARD COPY RECEIVED from Appellee Debbie Milliron in 09-3765, 09-4031, 09-4032, 09-4033, 09-4034, 09-4035, 10-1149 - Supplemental Appendix. Copies: 4. Volumes: 1 [09-3765, 09-3934, 09-4031, 09-4032, 09-4033, 09-4034, 09-4035, 10-1149] (MS)


12/28/2010  HARD COPY RECEIVED from Appellee Debbie Milliron in 09-3765, 09-3934, 09-4031, 09-4032, 09-4033, 09-4034, 09-4035, 10-1149 - Brief. Copies: 10. [09-3765, 09-3934, 09-4031, 09-4032, 09-4033, 09-4034, 09-4035, 10-1149] (KEL)


01/06/2011  ORDER (Clerk) granting motion by Appellee for Leave to File Supplemental Appendix with filing as of December 23, 2010. It is noted that in the event Appellee is entitled to costs at the conclusion of the appeal will not be able to recover costs for any documents included in the supplemental appendix which are duplicative of documents contained in Appellants's appendix, filed. [09-3765, 09-3934, 09-4031, 09-4032, 09-4033, 09-4034, 09-4035, 10-1149] (MCW)
1 pg, 8.16 KB


01/06/2011  ECF FILER: ELECTRONIC REPLY BRIEF on behalf of Appellant Daniel Phee, filed. Certificate of Service dated 01/06/2011 by ECF. (JLW)
14 pg, 182.67 KB


01/10/2011  HARD COPY RECEIVED from Appellant Daniel Phee - Reply Brief. Copies: 10. (RM)


01/14/2011  Calendared for Wednesday, 04/13/11. (Rescheduled from Tuesday, 04/12/2011) [09-3765, 09-3934, 09-4031, 09-4032, 09-4033, 09-4034, 09-4035, 10-1149] (CMH)
2 pg, 34.43 KB


01/14/2011  ECF FILER: ARGUMENT ACKNOWLEDGMENT filed by Attorney Jeffrey L. Weinstein, Esq. for Appellant Daniel Phee. Certificate of Service dated 01/14/2011. (JLW)
1 pg, 13.91 KB


01/14/2011  ECF FILER: ENTRY OF APPEARANCE from D. J. Powers on behalf of Appellant(s) Daniel Phee. (JLW)
1 pg, 53.38 KB


01/20/2011  ECF FILER: ENTRY OF APPEARANCE from Christopher B. Hockett on behalf of Appellee(s) T-Mobile USA, Inc.. [09-3765, 09-3934, 09-4031, 09-4032, 09-4033, 09-4034, 09-4035, 10-1149] (CBH)
1 pg, 40.01 KB





01/21/2011  ECF FILER: ARGUMENT ACKNOWLEDGMENT filed by Attorney Christopher B. Hockett, Esq. for Appellee T-Mobile USA Inc in 09-3765, 09-3934, 09-4031, 09-4032, 09-4033, 09-4034, 09-4035, 10-1149. Certificate of Service dated 01/21/2011. [09-3765, 09-3934, 09-4031, 09-4032, 09-4033, 09-4034, 09-4035, 10-1149] (CBH)
1 pg, 25.13 KB

01/25/2011  NON COMPLIANCE Order issued to Appellant Daniel Phee regarding the reply brief filed on 01/10/2011. Please open the attachment for the full text of the Order. Compliance due by 01/28/2011. (LAL)
4 pg, 48.19 KB

01/25/2011  ECF FILER: ARGUMENT ACKNOWLEDGMENT filed by Attorney James E. Cecchi, Esq. for Appellee Debbie Milliron in 09-3765, 09-3934, 09-4031, 09-4032, 09-4033, 09-4034, 09-4035, 10-1149. Certificate of Service dated 01/25/2011. [09-3765, 09-3934, 09-4031, 09-4032, 09-4033, 09-4034, 09-4035, 10-1149] (JEC)
1 pg, 9.94 KB

01/26/2011  COMPLIANCE RECEIVED. Corrected color covers for Appellant Daniel Phee's Reply Brief.. (LAL)

03/16/2011  Oral Argument Notification for Wednesday, 04/13/2011. [09-3765, 09-3934, 09-4031, 09-4032, 09-4033, 09-4034, 09-4035] (CMH)
1 pg, 31.69 KB

03/23/2011	 	ECF FILER: Motion to Withdraw Case pursuant to Fed. R. App. P. 42(b) filed by Appellant Daniel Phee and Appellees Debbie Milliron and T-Mobile USA Inc without costs and with prejudice. Certificate of Service dated 03/23/2011. (JEC)
03/23/2011	 	ORDER (Clerk) dismissing case pursuant to Fed. R. App. P. 42(b), filed. (MB)

1 pg, 28.61 KB

1 pg, 89.92 KB