

**General Docket  
Third Circuit Court of Appeals**

**Court of Appeals Docket #:** 09-3934  
**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:** 10/22/2009  
**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:** Jakiba Herndon, Court Reporter  
**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:**  
10/07/2009

**Prior Cases:**

None

**Current Cases:**

	<b>Lead</b>	<b>Member</b>	<b>Start</b>	<b>End</b>
Related	<a href="#">09-3765</a>	<a href="#">09-4033</a>	10/27/2009	
	<a href="#">09-3765</a>	<a href="#">09-4034</a>	10/27/2009	
	<a href="#">09-3765</a>	<a href="#">09-4035</a>	10/28/2009	
	<a href="#">09-3765</a>	<a href="#">10-1149</a>	09/09/2010	
joined	<a href="#">09-3765</a>	09-3934	10/22/2009	
	<a href="#">09-3765</a>	<a href="#">09-4031</a>	10/27/2009	
	<a href="#">09-3765</a>	<a href="#">09-4032</a>	10/27/2009	
	<a href="#">09-4033</a>	<a href="#">09-4034</a>	04/06/2011	
	<a href="#">09-4033</a>	<a href="#">09-4035</a>	04/06/2011	
	<a href="#">09-4033</a>	<a href="#">10-1149</a>	04/06/2011	

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

Plaintiff - Appellee

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v.

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 Defendant - Appellee

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























v.










T-MOBILE USA INC,

















KIMBERLEY LYONS; AARON MILLER; THOMAS A. CARDER,

Appellants

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

10/22/2009		CIVIL CASE DOCKETED. Notice filed by Appellants Thomas A. Carder, Kimberley Lyons and Aaron Miller. (MB)
10/22/2009		RECORD available on District Court CM/ECF. (MB)
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)
11/05/2009		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)
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)
11/05/2009		ECF FILER: ENTRY OF APPEARANCE from Stephen Tsai on behalf of Appellant(s) Thomas A. Carder, Kimberley Lyons, and Aaron Miller. (ST)
11/05/2009		ECF FILER: ENTRY OF APPEARANCE from Gavin Rooney, Esq. on behalf of Appellee(s) T-Mobile USA, Inc.. (GJR)
11/05/2009		ECF FILER: DISCLOSURE STATEMENT on behalf of Appellee T-Mobile USA Inc, filed. (GJR)
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)
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)
11/06/2009		COMPLIANCE RECEIVED. Appearance Forms from Lindsey H. Taylor and James E. Cecchi. (MB)
11/06/2009		NONCOMPLIANCE Order sent to Appellants Thomas A. Carder, Kimberley Lyons and Aaron Miller requesting Concise Summary of Case must be signed by Counsel of Record, Stephen Tsai, Esq.. Compliance due 11/12/2009. (MB)
11/09/2009		FOLLOW UP LETTER to Stephen Tsai, Esq. for Kimberley Lyons, Aaron Miller and Thomas A. Carder requesting the following document(s): Information Statement on or before 11/23/2009. Concise Summary on or before 11/23/2009. Transcript Purchase Order on or before 11/23/2009. (MB)
11/09/2009		ECF FILER: Concise Summary of the Case filed by Appellants Thomas A. Carder, Kimberley Lyons and Aaron Miller, received. (ST)
11/09/2009		COMPLIANCE RECEIVED. Concise Summary of the Case. (MB)
11/20/2009		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 08/05/2009. (RD)
11/20/2009		CIVIL INFORMATION STATEMENT on behalf of Appellants Thomas A. Carder, Kimberley Lyons and Aaron Miller, received. (MB)
11/20/2009		DISCLOSURE STATEMENT on behalf of Appellants Thomas A. Carder, Kimberley Lyons and Aaron Miller, filed. (MB)
12/07/2009		ECF FILER: ENTRY OF APPEARANCE from Steve A. Miller on behalf of Appellant(s) Thomas Carder, Kimberley Lyons and Aaron Miller.--[Edited 12/08/2009 by MB] (SAM)
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)
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)
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)
- 11/10/2010  Appellants Thomas A. Carder, Kimberley Lyons and Aaron Miller verbally granted an extension of time to file brief & appendix until 11/30/2010 pursuant to Third Cir. LAR 31.4. (DMM)
- 11/23/2010   ECF FILER: ELECTRONIC BRIEF with Volume I of Appendix attached on behalf of Appellants Thomas A. Carder, Kimberley Lyons and Aaron Miller, filed. Certificate of Service dated 11/23/2010 by 3rd party. [Removed from 09-3765]--[Edited 12/03/2010 by EAF] (SAM)  
40 pg, 656.48 KB
- 11/23/2010   ECF FILER: ELECTRONIC SUPPLEMENTAL JOINT APPENDIX on behalf of Appellants Thomas A. Carder, Kimberley Lyons and Aaron Miller in 09-3934, filed. Certificate of service dated 11/23/2010 by 3rd party. [Removed from 09-3765]--[Edited 12/03/2010 by EAF] (SAM)  
77 pg, 2.09 MB
- 11/24/2010  HARD COPY RECEIVED from Appellants Thomas A. Carder, Kimberley Lyons and Aaron Miller - Brief with Volume I of Appendix attached. Copies: 10. (SJB)
- 11/24/2010  HARD COPY RECEIVED from Appellants Thomas A. Carder, Kimberley Lyons and Aaron Miller - Appendix. Copies: 4. Volumes: 2 (Volume I attached to Brief). (MS)
- 12/03/2010   NON COMPLIANCE Order issued to Appellants Thomas A. Carder, Kimberley Lyons and Aaron Miller regarding the brief filed on 11/23/2010. Please open the attachment for the full text of the Order. Compliance due by 12/08/2010. (EAF)  
2 pg, 30 KB
- 12/06/2010   ECF FILER: ELECTRONIC ADDENDUM to BRIEF on behalf of Appellants Thomas A. Carder, Kimberley Lyons and Aaron Miller , filed. Certificate of Service dated 12/06/2010 by ECF. [Removed from 09-3765, 09-4031, 09-4032, 09-4033, 09-4034, 09-4035 and 10-1149]--[Edited 12/09/2010 by EAF] (SAM)  
5 pg, 82.29 KB
- 12/07/2010  HARD COPY RECEIVED from Appellants Thomas A. Carder, Kimberley Lyons and Aaron Miller - Addendum to Brief. Copies: 10. (KEL)
- 12/07/2010  COMPLIANCE RECEIVED. Received Addendum to Brief including Table of Contents and Table of Authorities for Appellant's Brief.. (EAF)
- 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

- 01/14/2011   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
- 01/20/2011   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
- 01/20/2011   ECF FILER: ARGUMENT ACKNOWLEDGMENT filed by Attorney Steve A. Miller, Esq. for Appellants Kimberley Lyons, Aaron Miller and Thomas A. Carder. Certificate of Service dated 01/20/2011. (SAM)  
1 pg, 29.16 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   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
- 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 Appellants Thomas A. Carder, Kimberley Lyons, Aaron Miller and Appellees Debbie Milliron and T-Mobile USA Inc without costs and with prejudice. Certificate of Service dated 03/23/2011. (JEC)  
1 pg, 31.56 KB
- 03/23/2011   ORDER (Clerk) dismissing case pursuant to Fed. R. App. P. 42(b), filed. (MB)  
1 pg, 89.88 KB