

U.S. District Court
California Northern District (San Francisco)
CIVIL DOCKET FOR CASE #: 3:08-cv-00829-MHP

American Small Business League v. United States Small
 Business Administration
 Assigned to: Hon. Marilyn H. Patel
 Case in other court: 08-17072
 09-16296

Cause: 05:552 Freedom of Information Act

Plaintiff

American Small Business League

Date Filed: 02/06/2008
 Date Terminated: 08/26/2008
 Jury Demand: None
 Nature of Suit: 895 Freedom of
 Information Act
 Jurisdiction: U.S. Government Defendant

represented by **Robert E. Belshaw**
 244 California Street
 Suite 300
 San Francisco, CA 94111
 415-956-9590
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**United States Small Business
 Administration**

represented by **Melanie Lea Proctor**
 United States Attorney's Office
 Civil Division
 450 Golden Gate Avenue
 Box 36055
 San Francisco, CA 94102-3495
 415-436-6730
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 Email: Melanie.Proctor@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/06/2008	<u>1</u>	COMPLAINT against United States Small Business Administration (Filing fee \$350, receipt number 34611015493). Filed by American Small Business League. (cjl, COURT STAFF) (Filed on 2/6/2008) (gba, COURT STAFF). (Entered: 02/08/2008)
02/06/2008		Summons Issued as to United States Small Business Administration. (cjl, COURT STAFF) (Filed on 2/6/2008) (Entered: 02/08/2008)
02/06/2008	<u>2</u>	ADR SCHEDULING ORDER: Case Management Conference set for 5/22/2008 04:00 PM. Case Management Statement due by 5/15/2008. (Attachments: # <u>1</u> Standing Order)(cjl, COURT STAFF) (Filed on 2/6/2008) (Entered: 02/08/2008)
02/06/2008		CASE DESIGNATED for Electronic Filing. (cjl, COURT STAFF) (Filed on 2/6/2008) (Entered: 02/08/2008)
02/22/2008	<u>3</u>	CLERK'S NOTICE re: Failure to E-File Docket No. 1. (cjl, COURT STAFF) (Filed on 2/22/2008) (Entered: 02/22/2008)
03/10/2008	<u>4</u>	Declination to Proceed Before a U.S. Magistrate Judge by United States Small Business Administration. (Proctor, Melanie) (Filed on 3/10/2008) (Entered: 03/10/2008)

03/10/2008	<u>5</u>	CLERK'S NOTICE of Impending Reassignment to U.S. District Judge. (wdblc1, COURT STAFF) (Filed on 3/10/2008) Modified on 3/11/2008 (cjl, COURT STAFF). (Entered: 03/10/2008)
03/11/2008	<u>6</u>	ORDER REASSIGNING CASE. Case reassigned to Hon. Marilyn H. Patel for all further proceedings. Magistrate Judge Wayne D. Brazil no longer assigned to the case. Signed by the Executive Committee on March 11, 2008. (cjl, COURT STAFF) (Filed on 3/11/2008) (Entered: 03/11/2008)
03/11/2008	<u>7</u>	CLERK'S NOTICE: Case Management Conference set for 5/19/2008 04:00 PM before the Hon. Marilyn Hall Patel; Joint Case Management Statement due by 5/9/2008. (awb, COURT-STAFF) (Filed on 3/11/2008) (Entered: 03/11/2008)
03/21/2008	<u>8</u>	ANSWER to Complaint by United States Small Business Administration. (Proctor, Melanie) (Filed on 3/21/2008) (Entered: 03/21/2008)
04/29/2008	<u>9</u>	STIPULATION <i>Joint Motion to be Excused From the Formal ADR Process and Proposed Order</i> by United States Small Business Administration. (Proctor, Melanie) (Filed on 4/29/2008) (Entered: 04/29/2008)
05/06/2008	<u>10</u>	STIPULATION AND ORDER REMOVING ACTION FROM ADR PROCESS; Signed by Judge Marilyn Hall Patel on 5/6/2008. (awb, COURT-STAFF) (Filed on 5/6/2008) (Entered: 05/06/2008)
05/09/2008	<u>11</u>	JOINT CASE MANAGEMENT STATEMENT filed by United States Small Business Administration. (Proctor, Melanie) (Filed on 5/9/2008) (Entered: 05/09/2008)
05/20/2008	<u>12</u>	Minute Entry: Initial Case Management Conference held on 5/19/2008 before Hon. Marilyn Hall Patel (Date Filed: 5/20/2008); Further Status Conference set for 6/16/2008 03:00 PM in Courtroom 15, 18th Floor, San Francisco. (Court Reporter n/a.) (awb, COURT-STAFF) (Date Filed: 5/20/2008) (Entered: 05/20/2008)
06/02/2008	<u>13</u>	STATUS REPORT by United States Small Business Administration. (Attachments: # <u>1</u> Warrington Declaration)(Proctor, Melanie) (Filed on 6/2/2008) (Entered: 06/02/2008)
06/11/2008	<u>14</u>	Joint MOTION to Vacate Status Conference <i>and Proposed Order</i> filed by United States Small Business Administration. (Proctor, Melanie) (Filed on 6/11/2008) (Entered: 06/11/2008)
06/12/2008	<u>15</u>	MOTION to Dismiss for Lack of Jurisdiction filed by United States Small Business Administration. Motion Hearing set for 8/11/2008 02:00 PM in Courtroom 15, 18th Floor, San Francisco. (Attachments: # <u>1</u> Proctor Declaration, # <u>2</u> Connolly Declaration, # <u>3</u> Proposed Order)(Proctor, Melanie) (Filed on 6/12/2008) (Entered: 06/12/2008)
06/13/2008	<u>16</u>	STIPULATION AND ORDER vacating case management conference of 6/16/2008; Signed by Judge Marilyn Hall Patel on 6/13/2008. (awb, COURT-STAFF) (Filed on 6/13/2008) (Entered: 06/13/2008)
07/15/2008	<u>17</u>	NOTICE by United States Small Business Administration of <i>Unavailability</i> (Proctor, Melanie) (Filed on 7/15/2008) (Entered: 07/15/2008)
07/21/2008	<u>18</u>	Memorandum in Opposition to <i>Motion to Dismiss</i> filed by American Small Business League. (Belshaw, Robert) (Filed on 7/21/2008) (Entered: 07/21/2008)
07/28/2008	<u>19</u>	Reply to Opposition filed by United States Small Business Administration. (Proctor, Melanie) (Filed on 7/28/2008) (Entered: 07/28/2008)
08/12/2008	<u>20</u>	Minute Entry: Motion Hearing held on 8/11/2008 before Hon. Marilyn Hall Patel (Date Filed: 8/12/2008) re <u>15</u> MOTION to Dismiss for Lack of Jurisdiction filed by United States Small Business Administration. (Court Reporter Sahar McVickar.) (awb, COURT-STAFF) (Date Filed: 8/12/2008) (Entered: 08/12/2008)
08/26/2008	<u>21</u>	MEMORANDUM AND ORDER by Judge Marilyn Hall Patel denying <u>15</u> Motion to Dismiss for Lack of Jurisdiction (summary judgment); The court dismisses this action as moot because the parties agree that defendant has delivered the records requested by the plaintiff (awb, COURT-STAFF) (Filed on 8/26/2008) (Entered: 08/26/2008)

		08/26/2008)
09/08/2008	<u>22</u>	MOTION for Extension of Time to File <i>Motion for Attorney's Fees</i> filed by American Small Business League. (Belshaw, Robert) (Filed on 9/8/2008) (Entered: 09/08/2008)
09/10/2008	<u>23</u>	STIPULATION AND ORDER extending time to file attorneys' fees motion; Signed by Judge Marilyn Hall Patel on 9/9/2008. (awb, COURT-STAFF) (Filed on 9/10/2008) (Entered: 09/10/2008)
09/16/2008	<u>24</u>	NOTICE OF APPEAL as to <u>21</u> Order on Motion to Dismiss/Lack of Jurisdiction by United States Small Business Administration. Filing fee Waived. (gba, COURT STAFF) (Filed on 9/16/2008) (Entered: 09/17/2008)
09/16/2008	<u>25</u>	NOTICE of Representation Statement by United States Small Business Administration (gba, COURT STAFF) (Filed on 9/16/2008) (Entered: 09/17/2008)
09/17/2008	<u>26</u>	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>24</u> Notice of Appeal (gba, COURT STAFF) (Filed on 9/17/2008) (gba, COURT STAFF). (Additional attachment(s) added on 9/17/2008: # <u>1</u> Order) (gba, COURT STAFF). (Additional attachment(s) added on 9/18/2008: # <u>2</u> Amended Transmittal Letter) (gba, COURT STAFF). (Additional attachment(s) added on 9/18/2008: # <u>3</u> Notice of Appeal, # <u>4</u> Notice of Appeal Information) (gba, COURT STAFF). (Additional attachment(s) added on 9/18/2008: # <u>5</u> Docket Sheet) (gba, COURT STAFF). (Entered: 09/17/2008)
09/17/2008	<u>27</u>	Copy of Notice of Appeal and Docket sheet mailed to all counsel (gba, COURT STAFF) (Filed on 9/17/2008) (Additional attachment(s) added on 9/17/2008: # <u>1</u> Appeal Transmittal Letter) (gba, COURT STAFF). (Additional attachment(s) added on 9/18/2008: # <u>2</u> Amended Transmittal Letter) (gba, COURT STAFF). (Additional attachment(s) added on 9/18/2008: # <u>3</u> Docket Sheet) (gba, COURT STAFF). (Entered: 09/17/2008)
09/17/2008	<u>28</u>	ERRONEOUS ENTRY PLEASE DISREGARD Certificate of Record Mailed to USCA re appeal <u>24</u> Notice of Appeal : (gba, COURT STAFF) (Filed on 9/17/2008) Modified on 9/18/2008 (gba, COURT STAFF). (Entered: 09/17/2008)
09/22/2008	<u>29</u>	MOTION for Attorney Fees filed by American Small Business League. Motion Hearing set for 11/17/2008 02:00 PM in Courtroom 15, 18th Floor, San Francisco. (Belshaw, Robert) (Filed on 9/22/2008) (Entered: 09/22/2008)
09/22/2008	<u>30</u>	Declaration of Robert Belshaw <i>in Support of Motion for attorneys fees</i> filed by American Small Business League. (Belshaw, Robert) (Filed on 9/22/2008) (Entered: 09/22/2008)
09/25/2008	<u>31</u>	USCA Case Number 08-17072 for <u>24</u> Notice of Appeal filed by United States Small Business Administration. (gba, COURT STAFF) (Filed on 9/25/2008) (Entered: 10/01/2008)
10/02/2008	<u>32</u>	TRANSCRIPT DESIGNATION and Ordering Form by United States Small Business Administration for proceedings held on 8/11/08 before Judge Marilyn H. Patel.. (gba, COURT STAFF) (Filed on 10/2/2008) (Entered: 10/02/2008)
10/27/2008	<u>33</u>	Memorandum in Opposition re <u>29</u> MOTION for Attorney Fees filed by United States Small Business Administration. (Attachments: # <u>1</u> Proctor Declaration)(Proctor, Melanie) (Filed on 10/27/2008) (Entered: 10/27/2008)
10/28/2008	<u>34</u>	Declaration of Robert Belshaw [<i>Amended</i>] filed by American Small Business League. (Belshaw, Robert) (Filed on 10/28/2008) (Entered: 10/28/2008)
11/03/2008	<u>35</u>	Reply to Opposition <i>to motion for attorneys fees</i> filed by American Small Business League. (Belshaw, Robert) (Filed on 11/3/2008) (Entered: 11/03/2008)
11/05/2008	<u>36</u>	CLERKS NOTICE submitting plaintiff's motion for attorneys' fees and costs on record; Hearing date of 11/17/2008 vacated. (awb, COURT-STAFF) (Filed on 11/5/2008) (Entered: 11/05/2008)
11/13/2008	<u>37</u>	MOTION for Leave to File <i>Motion for Reconsideration</i> filed by United States Small Business Administration. (Attachments: # <u>1</u> Motion for

		Reconsideration)(Proctor, Melanie) (Filed on 11/13/2008) (Entered: 11/13/2008)
11/13/2008	<u>38</u>	EXHIBITS re <u>37</u> MOTION for Leave to File <i>Motion for Reconsideration</i> filed by United States Small Business Administration. (Related document(s) <u>37</u>) (Proctor, Melanie) (Filed on 11/13/2008) (Entered: 11/13/2008)
11/14/2008	<u>39</u>	ORDER by Judge Marilyn Hall Patel denying <u>37</u> respondents' Motion for Leave to File reconsideration motion. (awb, COURT-STAFF) (Filed on 11/14/2008) (Entered: 11/14/2008)
12/04/2008	<u>40</u>	USCA Case Number 08-17072 for <u>24</u> Notice of Appeal filed by United States Small Business Administration. (gba, COURT STAFF) (Filed on 12/4/2008) (Entered: 12/04/2008)
04/15/2009	<u>41</u>	MEMORANDUM AND ORDER by Judge Marilyn Hall Patel granting <u>29</u> PLAINTIFF'S Motion for Attorney Fees in the amount of \$ 14,282.90 (awb, COURT STAFF) (Filed on 4/15/2009) (Entered: 04/15/2009)
05/11/2009	<u>42</u>	MANDATE of USCA as to <u>24</u> Notice of Appeal filed by United States Small Business Administration (gba, COURT STAFF) (Filed on 5/11/2009) (Entered: 05/11/2009)
05/11/2009	<u>43</u>	CLERKS Letter Spreading Mandate to Counsel (gba, COURT STAFF) (Filed on 5/11/2009) (Entered: 05/11/2009)
06/12/2009	<u>44</u>	NOTICE OF APPEAL as to <u>41</u> Order on Motion for Attorney Fees by United States Small Business Administration. Filing fee Waived. (gba, COURT STAFF) (Filed on 6/12/2009) (Entered: 06/12/2009)
06/18/2009	<u>45</u>	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>44</u> Notice of Appeal. (gba, COURT STAFF) (Filed on 6/18/2009) (Additional attachment(s) added on 6/18/2009: # <u>1</u> Memorandum and Order) (gba, COURT STAFF). (Additional attachment(s) added on 6/18/2009: # <u>2</u> Notice of Appeal Notification Form) (gba, COURT STAFF). (Additional attachment(s) added on 6/18/2009: # <u>3</u> Docket Sheet) (gba, COURT STAFF). (Entered: 06/18/2009)
06/18/2009	<u>46</u>	Copy of Notice of Appeal and Docket sheet mailed to all counsel. (gba, COURT STAFF) (Filed on 6/18/2009) (Additional attachment(s) added on 6/18/2009: # <u>1</u> Docket Sheet) (gba, COURT STAFF). (Entered: 06/18/2009)
06/25/2009	<u>47</u>	USCA Case Number 09-16296 for <u>44</u> Notice of Appeal filed by United States Small Business Administration. (gba, COURT STAFF) (Filed on 6/25/2009) (Entered: 06/25/2009)
07/09/2009	<u>48</u>	CERTIFICATE OF SERVICE by United States Small Business Administration - <i>TRANSCRIPT DESIGNATION and ORDERING FORM</i> (Proctor, Melanie) (Filed on 7/9/2009) (Entered: 07/09/2009)
07/09/2009	<u>49</u>	Transcript Designation and Ordering Form: no dates designated. (slh, COURT STAFF) (Filed on 7/9/2009) (Entered: 07/10/2009)
07/10/2009	<u>50</u>	Certificate of Record forwarded to USCA re <u>44</u> Notice of Appeal. (slh, COURT STAFF) (Filed on 7/10/2009) (Entered: 07/10/2009)
07/24/2009	<u>51</u>	Receipt from USCA re Certificate of Record. (slh, COURT STAFF) (Filed on 7/24/2009) (Entered: 07/24/2009)
10/14/2009	<u>52</u>	MANDATE of USCA as to <u>44</u> Notice of Appeal filed by United States Small Business Administration (gba, COURT STAFF) (Filed on 10/14/2009) (Entered: 10/14/2009)
10/14/2009	<u>53</u>	CLERKS Letter Spreading Mandate to Counsel (gba, COURT STAFF) (Filed on 10/14/2009) (Entered: 10/14/2009)