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General Docket Third Circuit Court of Appeals

Court of Appeals Docket #: 15-3791

Nature of Suit: 3410 Antitrust In re: Class 8 Transmission

Appeal From: United States District Court for the District of Delaware

Fee Status: Paid

Case Type Information:

1) civil

2) private

3) Federal question

Originating Court Information:

District: 0311-1 : <u>1-11-cv-00009</u>

Trial Judge: Sue L. Robinson, U.S. District Judge

Date Filed: 01/05/2011

 Date Order/Judgment:
 Date Order/Judgment EOD:
 Date NOA Filed:

 10/21/2015
 10/21/2015
 11/17/2015

Prior Cases:

None

Current Cases:

None

RYAN AVENARIUS, on behalf of themselves and all others similarly situated

Plaintiff - Appellant

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FREIGHTLINER LLC

Defendant - Appellee

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15-3791 Docket Page 4 of 13

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PACCAR INC

Defendant - Appellee

KENWORTH TRUCK CO Defendant - Appellee 15-3791 Docket Page 5 of 13

(see above)

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VOLVO TRUCK NORTH AMERICA INC Defendant - Appellee 15-3791 Docket Page 6 of 13

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MACK TRUCKS INC Defendant - Appellee

EATON CORP

Defendant - Appellee

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[COR NTC Retained] Baker Botts 1299 Pennsylvania Avenue, N.W. The Warner Washington, DC 20004 15-3791 Docket Page 8 of 13

IN RE: CLASS 8 TRANSMISSION INDIRECT PURCHASER ANTITRUST LITIGATION

RYAN AVENARIUS, on behalf of themselves and all others similarly situated; BIG GAIN, INC.; CARLETON TRANSPORT SERVICE; JAMES CORDES, on behalf of Cordes Inc.; MEUNIER ENTERPRISES LLC; PAUL PROSPER; RODNEY E. JAEGAR; PURDY BROTHERS TRUCKING CO.; TC CONSTRUCTION CO. INC.; PHILLIP E. NIX,

Appellants

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11/20/2015	39 pg, 5.49 MB	CIVIL CASE DOCKETED. Notice filed by Appellant Ryan Avenarius in District Court No. 1-11-cv-00009. (CJG)
11/20/2015	1 pg, 6.89 KB	ORDER (Clerk) For all parties represented by Thomas F. Driscoll, III, Esq., or any other attorney from Bifferato LLC, the designated filer shall be Ryan Avenarius. Counsel is directed to choose this party designation when filing electronically, filed. (CJG)
11/20/2015		RECORD available on District Court CM/ECF. (CJG)
11/24/2015	1 pg, 59.68 KB	ECF FILER: ENTRY OF APPEARANCE from Brian Douglas Penny on behalf of Appellant(s) Ryan Avenarius, Rodney Jaeger, James Cordes, Meunier Enterprises, Paul Prosper, Purdy Brothers Trucking, Big Gain, Carleton Transport Srvice, Joe Williams, Premier Produce. (BDP)
11/24/2015	3 pg, 77.04 KB	ECF FILER: ENTRY OF APPEARANCE from Lee Albert on behalf of Appellant(s) Ryan Avenarius; Big Gain, Inc.; Carleton Transport Service; James Cordes, on behalf of Cordes Inc.; Meunier Enterprises LLC; Paul Prosper; Rodney E. Jaegar; Purdy Brothers Trucking Co.; TC Construction Co. Inc.; Phillip E. Nix. (LA)
11/25/2015	3 pg, 73.02 KB	ECF FILER: ENTRY OF APPEARANCE from Gregory B. Linkh on behalf of Appellant(s) Ryan Avenarius; Big Gain, Inc.; Carleton Transport Service; James Cordes, on behalf of Cordes, Inc.; Meunier Enterprises LLC; Paul Prosper; Rodney Jaeger; Purdy Brothers Trucking Co.; TC Construction Co. Inc.; Phillip E. Nix. (GBL)
11/30/2015	2 pg, 41.12 KB	ECF FILER: ENTRY OF APPEARANCE from Jeffrey B. Bove on behalf of Appellee(s) PACCAR Inc, Kenworth Truck Company, Peterbilt Motors Company. (JBB)
11/30/2015	2 pg, 52.23 KB	ECF FILER: ENTRY OF APPEARANCE from Thomas L. Boeder on behalf of Appellee(s) PACCAR Inc, Kenworth Truck Company, Peterbilt Motors Company. (JBB)
11/30/2015	2 pg, 237.57 KB	ECF FILER: ENTRY OF APPEARANCE from Cori Gordon Moore on behalf of Appellee(s) PACCAR Inc, Kenworth Truck Company, Peterbilt Motors Company. (JBB)
11/30/2015	2 pg, 75.67 KB	ECF FILER: ENTRY OF APPEARANCE from Catherine S. Simonsen on behalf of Appellee(s) PACCAR Inc, Kenworth Truck Company, Peterbilt Motors Company. (JBB)
11/30/2015	2 pg, 57.37 KB	ECF FILER: ENTRY OF APPEARANCE from Eric J. Weiss on behalf of Appellee(s) PACCAR Inc, Kenworth Truck Company, Peterbilt Motors Company. (JBB)
11/30/2015	3 pg, 47.09 KB	ECF FILER: DISCLOSURE STATEMENT on behalf of Appellees Kenworth Truck Co, PACCAR Inc and Peterbilt Motors Company, filed. (JBB)
12/01/2015	3 pg, 56.38 KB	ECF FILER: ENTRY OF APPEARANCE from David E. Sharp on behalf of Appellant(s) Ryan Avenarius, Big Gain, Inc., Carleton Transport Service, James Cordes, on behalf of Cordes Inc., Meunier Enterprises LLC, Paul Prosper, Rodney E. Jaegar, Purdy Brothers Trucking Co., TC Construction Co. Inc. and Phillip E. Nix. (DES)
12/01/2015	2 pg, 237.34 KB	ECF FILER: ENTRY OF APPEARANCE from Brian Borchard on behalf of Appellee(s) Navistar International Corp. & Navistar Inc. f/k/a International Truck and Engine Corp (BPB)
12/01/2015		ECF FILER: ENTRY OF APPEARANCE from James H. Mutchnik on behalf of Appellee(s) Navistar International Corp. & Navistar Inc. f/k/a International Truck and Engine Corp[Edited 12/01/2015 by SB to remove document as corrected entry of appearance filed] (BPB)
12/01/2015	2 pg, 241.56 KB	ECF FILER: ENTRY OF APPEARANCE from James H. Mutchnik on behalf of Appellee(s) Navistar International Corp. & Navistar Inc. f/k/a International Truck and Engine Corp (JHM)
12/02/2015	2 pg, 234.53 KB	ECF FILER: ENTRY OF APPEARANCE from Daniel E. Laytin on behalf of Appellee(s) Navistar International Corp. & Navistar Inc. f/k/a International Truck and Engine Corp (DEL)
12/02/2015	3 pg, 238.11 KB	ECF FILER: DISCLOSURE STATEMENT on behalf of Appellees International Truck & Engine Corp and Navistar International Corp, filed. (BPB)
12/02/2015	2 pg, 31.87 KB	ECF FILER: DISCLOSURE STATEMENT on behalf of Appellees Daimler Trucks North America LLC and Freightliner LLC, filed. (BFH)
12/02/2015	2 pg, 313.87 KB	ECF FILER: ENTRY OF APPEARANCE from John R. Robertson on behalf of Appellee(s) Daimler Trucks North America LLC; Freightliner LLC. (BFH)
12/02/2015	2 pg, 314.04 KB	ECF FILER: ENTRY OF APPEARANCE from Benjamin F. Holt on behalf of Appellee(s) Daimler Trucks North America LLC; Freightliner LLC. (BFH)
12/02/2015	1 pg, 104.86 KB	ECF FILER: ENTRY OF APPEARANCE from John A. Sensing on behalf of Appellee(s) Daimler Truck North America LLC; Freightliner LLC. (JAS)
12/02/2015	1 pg, 451.43 KB	ECF FILER: ENTRY OF APPEARANCE from Joseph A. Ostoyich on behalf of Appellee(s) Eaton Corporation. (JAO)

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12/02/2015	1 pg, 500.86 KB	ECF FILER: ENTRY OF APPEARANCE from Erik T. Koons on behalf of Appellee(s) Eaton Corporation. (ETK)
12/02/2015	1 pg, 505.39 KB	ECF FILER: ENTRY OF APPEARANCE from Julie B. Rubenstein on behalf of Appellee(s) Eaton Corporation. (JBR)
12/02/2015	2 pg, 39.12 KB	ECF FILER: DISCLOSURE STATEMENT on behalf of Appellee Eaton Corp, filed. (ETK)
12/03/2015	1 pg, 194.25 KB	ECF FILER: ENTRY OF APPEARANCE from Donald E. Reid on behalf of Appellee(s) Eaton Corporation. (DER)
12/04/2015	3 pg, 48.94 KB	ECF FILER: DISCLOSURE STATEMENT on behalf of Big Gain Inc., filed. on behalf of Appellant Ryan Avenarius, filed. (GBL)
12/04/2015	3 pg, 49.04 KB	ECF FILER: DISCLOSURE STATEMENT on behalf of Carleton Transport Service, filed. on behalf of Appellant Ryan Avenarius, filed. (GBL)
12/04/2015	3 pg, 44.09 KB	ECF FILER: DISCLOSURE STATEMENT on behalf of James Cordes on behalf of Cordes, Inc. , filed. on behalf of Appellant Ryan Avenarius, filed. (GBL)
12/04/2015	3 pg, 44.14 KB	ECF FILER: DISCLOSURE STATEMENT on behalf of Meunier Enterprises, LLC, filed. on behalf of Appellant Ryan Avenarius, filed. (GBL)
12/04/2015	3 pg, 44.12 KB	ECF FILER: DISCLOSURE STATEMENT on behalf of Prosper Trucking Inc., filed. on behalf of Appellant Ryan Avenarius, filed. (GBL)
12/04/2015	3 pg, 49.09 KB	ECF FILER: DISCLOSURE STATEMENT on behalf of Purdy Brothers Trucking Co., filed. on behalf of Appellant Ryan Avenarius, filed. (GBL)
12/04/2015	3 pg, 44.13 KB	ECF FILER: DISCLOSURE STATEMENT on behalf of TC Construction Co. Inc., filed. on behalf of Appellant Ryan Avenarius, filed. (GBL)
12/04/2015	2 pg, 74.41 KB	ECF FILER: Transcript Purchase Order Form (Part 1) filed by Appellant Ryan Avenarius advising this court that transcripts are already on file in the District Court. (GBL)
12/04/2015	8 pg, 121.06 KB	ECF FILER: CIVIL INFORMATION STATEMENT on behalf of Appellant Ryan Avenarius, filed. (GBL)
12/04/2015	37 pg, 1.53 MB	ECF FILER: Concise Summary of the Case filed by Appellant Ryan Avenarius, received. (GBL)
12/04/2015	2 pg, 80.54 KB	ECF FILER: ENTRY OF APPEARANCE from M. Duncan Grant, Esq. on behalf of Appellee(s) Mack Trucks, Inc and Volvo Trucks North America. (MDG)
12/04/2015	2 pg, 82.33 KB	ECF FILER: ENTRY OF APPEARANCE from Jeremy Heep on behalf of Appellee(s) Mack Trucks, Inc. and Volvo Trucks North America. (JDH)
12/04/2015	2 pg, 88.52 KB	ECF FILER: ENTRY OF APPEARANCE from Daniel J. Boland on behalf of Appellee(s) Mack Trucks, Inc. And Volvo Trucks North America. (DJB)
12/04/2015	2 pg, 758.39 KB	ECF FILER: ENTRY OF APPEARANCE from Michael J. Hartman on behalf of Appellee(s) Mack Trucks,Inc. and VolvoTrucks North America. (MJH)
12/08/2015	1 pg, 27.03 KB	ECF FILER: ENTRY OF APPEARANCE from Corey W. Roush on behalf of Appellee(s) Daimler Trucks North America LLC f/k/a Freightliner LLC. (CWR)
12/11/2015	3 pg, 268.56 KB	BRIEFING NOTICE ISSUED. Brief on behalf of Appellant Ryan Avenarius due on or before 01/20/2016. Appendix due on or before 01/20/2016. (CJG)
12/15/2015	1 pg, 284.54 KB	ECF FILER: ENTRY OF APPEARANCE from Kelly E. Farnan on behalf of Appellee(s) Navistar International Corporation and Navistar Inc. f/k/a International Truck and Engine Corporation. (KEF)
12/16/2015	10 pg, 44.23 KB	ECF FILER: UNOPPOSED Motion filed by Appellees Kenworth Truck Co, PACCAR Inc and Peterbilt Motors Company to seal to Continue the Impoundment of Sealed Records for the Duration of the Appeal. Certificate of Service dated 12/16/2015. (JBB)
12/28/2015	1 pg, 5.48 KB	ORDER (Clerk) The motion to continue the impoundment of sealed records is referred to a motions panel, filed. (CJG)
12/30/2015	5 pg, 21.87 KB	ECF FILER: JOINT Motion filed by Appellant Ryan Avenarius to Amend the Briefing Schedule as follows: Appellants Opening Brief due Feb. 10, 2016, Appellees Response Brief due April 1, 2016 and Appellants Reply Brief due April 15, 2016. Certificate of Service dated 12/30/2015. (LA)
01/07/2016	2 pg, 76.72 KB	ORDER (Clerk) The motion to amend briefing schedule is granted in part. Appellants' brief and appendix must be filed and served on or before February 10, 2015. Appellees' brief must be filed and served with

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		thirty (30) days of service of Appellants' brief. Appellants' reply brief, if any, must be filed within fourteen (14) days of service of Appellees' brief, filed. (CJG)
01/14/2016	1 pg, 5.79 KB	ORDER (GREENAWAY JR., Circuit Judge) The motion to continue impoundment of sealed records is granted, filed. Panel No.: DCO-034. GREENAWAY, JR., Authoring Judge. (CJG)
02/10/2016	157 pg, 2.44 MB	ECF FILER: REDACTED ELECTRONIC BRIEF with Volume I of Appendix attached on behalf of Appellant Ryan Avenarius, filed. Certificate of Service dated 02/10/2016 by ECF. (GBL)
02/10/2016	1029 pg, 41.52 MB	ECF FILER: REDACTED ELECTRONIC JOINT APPENDIX VOLUMES II AND III on behalf of Appellant Ryan Avenarius, filed. Certificate of service dated 02/10/2016 by ECF[Edited 02/18/2016 by EAF - Text edited to specify volumes] (GBL)
02/10/2016	0 pg, 0 KB	ECF FILER: SEALED ELECTRONIC BRIEF with Volume I of Appendix attached on behalf of Appellant Ryan Avenarius, filed. Certificate of Service dated 02/10/2016 by ECF. (GBL)
02/10/2016	0 pg, 0 KB	ECF FILER: SEALED ELECTRONIC JOINT APPENDIX VOLUMES IV - VII on behalf of Appellant Ryan Avenarius, filed. Certificate of Service dated 02/10/2016 by ECF[Edited 02/18/2016 by EAF - text edited to specify volumes] (GBL)
02/12/2016		HARD COPY RECEIVED from Appellant Ryan Avenarius - REDACTED Brief with Volume I of Appendix attached. Copies: 7. (RM)
02/12/2016		HARD COPY RECEIVED from Appellant Ryan Avenarius - SEALED Brief with Volume I of Appendix attached. Copies: 7. (RM)
02/12/2016		HARD COPY RECEIVED from Appellant Ryan Avenarius - Redacted Joint Appendix. Copies: 4. Volumes 2 & 3 (Volume I attached to Brief). (EMA)
02/12/2016		HARD COPY RECEIVED from Appellant Ryan Avenarius - Sealed Joint Appendix Volumes 4 through 7. Copies: 4. (EMA)
02/18/2016		TEXT ONLY ORDER (Clerk) directing lan C. Bifferato, Esq. for Appellant Ryan Avenarius OR Thomas F. Driscoll, III, Esq. for Appellant Ryan Avenarius to file an Entry of Appearance pursuant to L.A.R. 46.2, filed. Due on or before 02/22/2016. (EAF)
02/18/2016	2 pg, 12.7 KB	NON COMPLIANCE Order issued to Appellant Ryan Avenarius regarding the brief and appendix filed on 02/10/2016. Please open the attachment for the full text of the Order. Compliance due by 02/22/2016. This Order does not change the deadline for filing the next brief. (EAF)
02/19/2016	2 pg, 82.82 KB	ECF FILER: ENTRY OF APPEARANCE from Jason S. Hartley on behalf of Appellant(s) Ryan Avenarius, Big Gain, LLC, Carleton Transport Service, James Cordes on behalf of Cordes, Inc., Rodney E. Jaeger, Meunier Enterprises, LLC, Paul Prosper, Purdy Brothers Trucking Co., Inc., Premier Produce Co., Inc. and Joseph Williams. (JSH)
02/22/2016	11 pg, 46.74 KB	ECF FILER: JOINT Motion filed by Appellant Ryan Avenarius to seal (1) Plaintiffs-Appellants' Opening Brief and (2) Four Volumes of the Joint Appendix. Certificate of Service dated 02/22/2016[Edited 03/07/2016 by EAF - SEND TO MERITS PANEL] (GBL)
02/22/2016		COMPLIANCE RECEIVED. Joint Motion to Redact and to Seal Brief and Appendix, and Seal both the unredacted version of the brief and Appendix Volumes IV through VII received from Appellant Ryan Avenarius. (EAF)
03/07/2016	1 pg, 73.14 KB	ORDER (Clerk) referring to the merits panel the Joint Motion to Seal Appellants' Opening Brief and Four Volumes of the Joint Appendix. Appellants' opening brief and Volumes IV, V, VI and VII of the joint appendix will be held provisionally under seal pending disposition of the motion by the panel. The request to file redacted version of brief and appendix is granted with filing as of February 10, 2016, filed. (EAF)
03/11/2016	11 pg, 115.22 KB	ECF FILER: JOINT Motion filed by Appellees International Truck & Engine Corp and Navistar International Corp to seal Appellees' Response Brief. Certificate of Service dated 03/11/2016[Edited 03/31/2016 by EAF - SEND TO MERITS PANEL] (BPB)
03/11/2016	□ ⑥ 0 pg, 0 KB	ECF FILER: SEALED ELECTRONIC BRIEF on behalf of Appellees Daimler Trucks North America LLC, Eaton Corp, Freightliner LLC, International Truck & Engine Corp, Kenworth Truck Co, Mack Trucks Inc, Navistar International Corp, PACCAR Inc, Peterbilt Motors Company, Volvo Truck North America Inc and Eaton Corp, filed. Certificate of Service dated 03/11/2016 by ECF[Edited 03/28/2016 by CJG to add Party Eaton Corp to Party Text] (BPB)
03/14/2016		HARD COPY RECEIVED from Appellees Daimler Trucks North America LLC, Eaton Corp, Freightliner LLC, International Truck & Engine Corp, Kenworth Truck Co, Mack Trucks Inc, Navistar International Corp, PACCAR Inc, Peterbilt Motors Company and Volvo Truck North America Inc - Brief. Copies: 7 (FILED UNDER SEAL) (SJB)
03/21/2016	5 pg, 72.86 KB	ECF FILER: CORRECTED CERTIFICATE OF SERVICE including all signatures from Counsel for Joint Motion by Appellees. Service made on 03/21/2016 by ECF[Edited 03/25/2016 by EAF - Text edited] (BPB)
03/23/2016		

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	3 pg, 39.29 KB	ECF FILER: ENTRY OF APPEARANCE from Rex A. Sharp on behalf of Appellant(s) Ryan Avenarius Big Gain, Inc. Carleton Transport Service James Cordes, on behalf of Cordes Inc. Meunier Enterprises LLC Paul Prosper Rodney E. Jaegar Purdy Brothers Trucking Co. TC Construction Co. Inc. Phillip E. Nix. (RAS)
03/28/2016	2 pg, 22.03 KB	Clerk's letter to counsel for Appellee Eaton Corp. requesting response within 10 days on the intention of participation in this appeal. (CJG)
03/28/2016		TEXT ONLY ORDER (Clerk) It appearing that Appellee Eaton Corp was a party included in the filing Appellees' brief on March 11, 2016, the Clerk's Letter issued 3/28/16 is here moot. No action by Eaton Corp is required at this time. (CJG)
03/28/2016	11 pg, 97.76 KB	ECF FILER: JOINT Motion filed by Appellant Ryan Avenarius to Seal Appellant's Reply Brief. Certificate of Service dated 03/28/2016. SEND TO MERITS PANEL[Edited 04/14/2016 by EMA] (GBL)
03/28/2016	0 pg, 0 KB	ECF FILER: SEALED ELECTRONIC REPLY BRIEF on behalf of Appellant Ryan Avenarius, filed. Certificate of Service dated 03/28/2016 by ECF. (GBL)
03/28/2016	39 pg, 253.51 KB	ECF FILER: REDACTED ELECTRONIC REPLY BRIEF on behalf of Appellant Ryan Avenarius, filed. Certificate of Service dated 03/28/2016 by ECF. (GBL)
03/29/2016		HARD COPY RECEIVED from Appellant Ryan Avenarius - SEALED Reply Brief. Copies: 7. (RM)
03/29/2016		HARD COPY RECEIVED from Appellant Ryan Avenarius - Reply Brief. Copies: 7. (RM)
03/29/2016	3 pg, 19.67 KB	ECF FILER: LETTER from Attorney Rex A. Sharp, Esq. for Appellant Ryan Avenarius Notice of Change of Firm and Substitution of Counsel. Certificate of Service dated 03/29/2016. (RAS)
03/31/2016	1 pg, 70.48 KB	ORDER (Clerk) referring to the merits panel the Joint Motion to Seal Appellees' Response Brief. Appellees' response brief will be held provisionally under seal pending disposition of the motion by the panel, filed. (EAF)
04/14/2016	1 pg, 68.28 KB	ORDER (Clerk) The foregoing Joint Motion to Seal Appellants' Reply Brief is referred to the merits panel, filed. Appellants' reply brief will be held provisionally under seal pending disposition of the motion by the panel. The request to file redacted reply brief is granted with filing as of March 28, 2016. (EMA)
05/16/2016	2 pg, 67.98 KB	ECF FILER: AMENDED ENTRY OF APPEARANCE from Jeffrey B. Bove on behalf of Appellee(s) PACCAR Inc, Kenworth Truck Company, Peterbilt Motors Company notifying the Court of his address change[Edited 05/16/2016 by CJG] (JBB)

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