

ADRMOP,CLOSED,E-Filing

**U.S. District Court
California Northern District (San Jose)
CIVIL DOCKET FOR CASE #: 5:13-cv-02787-RMW
Internal Use Only**

City of San Jose et al v. Office of the Commissioner of
Baseball et al
Assigned to: Hon. Ronald M. Whyte
Referred to: Magistrate Judge Howard R. Lloyd
Cause: 15:1 Antitrust Litigation

Date Filed: 06/18/2013
Date Terminated: 01/07/2014
Jury Demand: Plaintiff
Nature of Suit: 410 Anti-Trust
Jurisdiction: Federal Question

Plaintiff

City of San Jose

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I hereby certify that the annexed
instrument is a true and correct copy
of the original on file in my office
ATTEST

RICHARD W WIEKING
Clerk, U.S. District Court
Northern District of California
By *Britney Watson* Deputy Clerk
Date 1/23/14

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Plaintiff

**City of San Jose as Successor Agency
to the Redevelopment Agency of the
City of San Jose**

represented by **Joseph W. Cotchett**
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Plaintiff

**The San Jose Diridon Development
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V.

Defendant

**Office of the Commissioner of
Baseball**
*an unincorporated association doing
business as Major League Baseball*

represented by **Bradley I Ruskin**
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Defendant

Allan Huber "Bud" Selig

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Date Filed	#	Docket Text
06/18/2013	<u>1</u>	COMPLAINT against Office of the Commissioner of Baseball, Allan Huber "Bud" Selig., Summons issued., Jury demand (Filing fee \$ 400, receipt number 54611013770). Filed by City of San Jose as Successor Agency to the Redevelopment Agency of the City of San Jose, City of San Jose, The San Jose Diridon Development Authority. (dhmS, COURT STAFF) (OVERSIZED DOCUMENT (Filed on 6/18/2013) Modified on 7/9/2013 (bwS, COURT STAFF). (bwS, COURT STAFF). (Additional attachment(s) added on 9/11/2013: # <u>1</u> Civil Cover Sheet) (bwS, COURT STAFF). (Entered: 06/18/2013)
06/18/2013	<u>2</u>	Summons Issued as to Office of the Commissioner of Baseball. (dhmS, COURT STAFF) (Filed on 6/18/2013) (Entered: 06/18/2013)
06/18/2013	<u>3</u>	Summons Issued as to Allan Huber "Bud" Selig. (dhmS, COURT STAFF) (Filed on 6/18/2013) (Entered: 06/18/2013)
06/18/2013	<u>4</u>	ADR SCHEDULING ORDER: Case Management Statement due by 9/10/2013. Case Management Conference set for 9/17/2013 01:30 PM in Courtroom 2, 5th Floor, San Jose. (Attachments: # <u>1</u> Standing Order)(dhmS, COURT STAFF) (Filed on 6/18/2013) (Entered: 06/18/2013)
06/18/2013		CASE DESIGNATED for Electronic Filing. (dhmS, COURT STAFF) (Filed on 6/18/2013) (Entered: 06/18/2013)
07/01/2013	<u>5</u>	CERTIFICATE OF SERVICE by City of San Jose, City of San Jose as Successor Agency to the Redevelopment Agency of the City of San Jose, The San Jose Diridon Development Authority. SUMMONS Executed. Office of the Commissioner of Baseball served on 6/21/2013, answer due 7/12/2013; Allan Huber "Bud" Selig served on 6/21/2013, answer due 7/12/2013. (Murphy, Anne Marie) (Filed on 7/1/2013) Modified on 7/2/2013 incorrect event type selected when posting document (dhmS, COURT STAFF). (Entered: 07/01/2013)
07/03/2013	<u>6</u>	NOTICE of Appearance by John Watkins Keker (Keker, John) (Filed on 7/3/2013) (Entered: 07/03/2013)
07/03/2013	<u>7</u>	Corporate Disclosure Statement under Rule 7.1 by Office of the Commissioner of Baseball, Allan Huber "Bud" Selig. (Keker, John) (Filed on 7/3/2013) Modified text on 7/8/2013 (dhmS, COURT STAFF). (Entered: 07/03/2013)
07/03/2013	<u>8</u>	NOTICE of Appearance by Scott P. Cooper (Cooper, Scott) (Filed on


		7/3/2013) (Entered: 07/03/2013)
07/03/2013	<u>9</u>	Certification of Interested Entities under Civil Local Rule 3-16 by Office of the Commissioner of Baseball, Allan Huber "Bud" Selig. (Keker, John) (Filed on 7/3/2013) Modified text on 7/8/2013 (dhmS, COURT STAFF). (Entered: 07/03/2013)
07/03/2013	<u>10</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by Office of the Commissioner of Baseball, Allan Huber "Bud" Selig.. (Keker, John) (Filed on 7/3/2013) (Entered: 07/03/2013)
07/03/2013	<u>11</u>	Application for admission of attorney Bradley I Ruskin for leave to appear in Pro Hac Vice; (Proposed) Order (Filing fee \$ 305, receipt number 0971-7824502.) filed by Office of the Commissioner of Baseball, Allan Huber "Bud" Selig. (Cooper, Scott) (Filed on 7/3/2013) Modified on 7/9/2013 (bwS, COURT STAFF). (Entered: 07/03/2013)
07/03/2013	<u>12</u>	NOTICE of Appearance by Sarah Kroll-Rosenbaum (Kroll-Rosenbaum, Sarah) (Filed on 7/3/2013) (Entered: 07/03/2013)
07/03/2013	<u>13</u>	NOTICE of Appearance by Paula Lenore Blizzard (Blizzard, Paula) (Filed on 7/3/2013) (Entered: 07/03/2013)
07/03/2013	<u>14</u>	NOTICE of Appearance by Jennifer Lynn Roche (Roche, Jennifer) (Filed on 7/3/2013) (Entered: 07/03/2013)
07/03/2013	<u>15</u>	NOTICE of Appearance by Thomas Edward Gorman (Gorman, Thomas) (Filed on 7/3/2013) (Entered: 07/03/2013)
07/03/2013	<u>16</u>	NOTICE of Appearance by Shawn Scott Ledingham, Jr (Ledingham, Shawn) (Filed on 7/3/2013) (Entered: 07/03/2013)
07/03/2013	<u>17</u>	CERTIFICATE OF SERVICE by Office of the Commissioner of Baseball, Allan Huber "Bud" Selig re <u>11</u> MOTION for leave to appear in Pro Hac Vice <i>Bradley I. Ruskin</i> (Filing fee \$ 305, receipt number 0971-7824502.), <u>8</u> Notice of Appearance, <u>14</u> Notice of Appearance, <u>12</u> Notice of Appearance, <u>16</u> Notice of Appearance (Ledingham, Shawn) (Filed on 7/3/2013) (Entered: 07/03/2013)
07/08/2013	<u>18</u>	CLERK'S NOTICE of Impending Reassignment to U.S. District Judge (pmc, COURT STAFF) (Filed on 7/8/2013) (Entered: 07/08/2013)
07/08/2013		(Court only) ***Deadlines terminated. <u>18</u> Clerk's Notice of Impending Reassignment. (pmc, COURT STAFF) (Filed on 7/8/2013) (Entered: 07/08/2013)
07/09/2013	<u>19</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Ronald M. Whyte for all further proceedings and Magistrate Judge Howard R. Lloyd for all discovery matters. Signed by The Executive Committee on 7/9/2013. (gmS,) (Filed on 7/9/2013) (Entered: 07/09/2013)
07/09/2013	<u>20</u>	CLERKS NOTICE re: Failure to E-File and/or Failure to Register as an E-Filer On June 18, 2013, counsel for Plaintiffs filed a complaint and

		exhibits 1-34 manually, on paper. This case has been designated for electronic filing, pursuant to Local Rule 5-4 and General Order 45. The above mentioned paper document has been filed and docketed. However, General Order 45 provides at Section III that cases assigned to judges who participate in the e-filing program shall be presumptively designated as e-filing cases. Therefore, counsel for plaintiffs should submit the complaint and exhibits, in PDF format within 10 days, as an attachment in an e-mail message directed to the judges chamber's "PDF" email box listed at http://ecf.cand.uscourts.gov (bwS, COURT STAFF) (Filed on 7/9/2013) (Entered: 07/09/2013)
07/09/2013		Remarks: Clerk mailed Pacer Registration forms to attorneys of record who were not electronically notified of filing. (bwS, COURT STAFF) (Filed on 7/9/2013) (Entered: 07/09/2013)
07/09/2013		CASE DESIGNATED for Electronic Filing. (bwS, COURT STAFF) (Filed on 7/9/2013) (Entered: 07/09/2013)
07/10/2013	<u>21</u>	STIPULATION re Service and Extension of Time to Respond to Complaint re <u>1</u> filed by Office of the Commissioner of Baseball, Allan Huber "Bud" Selig. (Cooper, Scott) (Filed on 7/10/2013) Modified on 7/11/2013 (bwS, COURT STAFF). (Entered: 07/10/2013)
07/22/2013	<u>22</u>	CLERKS NOTICE OF SETTING CASE MANAGEMENT CONFERENCE: Case Management Statement due by 9/13/2013. Case Management Conference set for 9/20/2013 10:30 AM in Courtroom 6, 4th Floor, San Jose. ***This is a text only docket entry, there is no document associated with this notice.*** (jg, COURT STAFF) (Filed on 7/22/2013) (Entered: 07/22/2013)
07/31/2013	<u>23</u>	STIPULATION and PROPOSED ORDER Re Briefing Schedule and Continuance of Case Management Conference filed by Office of the Commissioner of Baseball, Allan Huber "Bud" Selig. (Keker, John) (Filed on 7/31/2013) Modified on 7/31/2013 (bwS, COURT STAFF). (Entered: 07/31/2013)
08/06/2013	<u>24</u>	ORDER by Judge Ronald M. Whyte Granting <u>11</u> Motion for Pro Hac Vice for Attorney Bradley I. Ruskin. (jg, COURT STAFF) (Filed on 8/6/2013) (Entered: 08/06/2013)
08/06/2013		(Court only) *** Attorney Bradley I Ruskin added for Office of the Commissioner of Baseball and for Allan Huber "Bud" Selig re <u>24</u> Order Granting Admission of Attorney Pro Hac Vice (bw, COURT STAFF) (Filed on 8/6/2013) (Entered: 08/06/2013)
08/07/2013	<u>25</u>	MOTION TO DISMISS PLAINTIFFS COMPLAINT UNDER FEDERAL RULE OF CIVIL PROCEDURE 12(b)(6) filed by Office of the Commissioner of Baseball, Allan Huber "Bud" Selig. Motion Hearing set for 10/4/2013 09:00 AM in Courtroom 6, 4th Floor, San Jose before Hon. Ronald M. Whyte. Responses due by 8/21/2013. Replies due by 8/28/2013. (Attachments: # <u>1</u> (Proposed) Order) (Keker, John) (Filed on 8/7/2013) Text modified on 8/8/2013 (bw, COURT STAFF). (Entered: 08/07/2013)

08/07/2013	<u>26</u>	REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF MOTION TO DISMISS PLAINTIFFS COMPLAINT re <u>25</u> filed by Office of the Commissioner of Baseball, Allan Huber "Bud" Selig. (Attachments: # <u>1</u> Exhibit-A, # <u>2</u> Exhibit-B, # <u>3</u> Exhibit-C, # <u>4</u> Exhibit-D, # <u>5</u> Exhibit-E, # <u>6</u> (Proposed) Order) (Keker, John) (Filed on 8/7/2013) Text modified on 8/7/2013 (fff, COURT STAFF). (Entered: 08/07/2013)
08/07/2013	<u>27</u>	STIPULATION AND ORDER <u>23</u> Re: Briefing Schedule and Continuance of Case Management Conference. Set/Reset Deadlines as to Case Management Conference set for 10/4/2013 10:30 AM in Courtroom 6, 4th Floor, San Jose. Signed by Judge Ronald M. Whyte on 8/7/13. (jg, COURT STAFF) (Filed on 8/7/2013) (Entered: 08/07/2013)
09/06/2013	<u>28</u>	MEMORANDUM OF POINTS AND AUTHORITIES OF PLAINTIFFS IN OPPOSITION TO DEFENDANTS MOTION TO DISMISS PLAINTIFFS COMPLAINT UNDER FEDERAL RULE OF CIVIL PROCEDURE 12(b)(6) Hearing re <u>25</u> filed by City of San Jose, City of San Jose as Successor Agency to the Redevelopment Agency of the City of San Jose, The San Jose Diridon Development Authority. (Attachments: # <u>1</u> (Proposed) Order DENYING DEFENDANTS MOTION TO DISMISS AND REQUEST FOR JUDICIAL NOTICE) (Gregory, Philip) (Filed on 9/6/2013) Modified on 9/9/2013 (bw, COURT STAFF). (Entered: 09/06/2013)
09/06/2013	<u>29</u>	MEMORANDUM OF POINTS AND AUTHORITIES OF PLAINTIFFS IN OPPOSITION TO DEFENDANTS REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF MOTION TO DISMISS PLAINTIFFS COMPLAINT re <u>28</u> by City of San Jose, City of San Jose as Successor Agency to the Redevelopment Agency of the City of San Jose, The San Jose Diridon Development Authority. (Gregory, Philip) (Filed on 9/6/2013) Modified on 9/9/2013 (bw, COURT STAFF). (Entered: 09/06/2013)
09/06/2013	<u>30</u>	DECLARATION OF EXPERT WITNESS ROGER G. NOLL IN SUPPORT OF PLAINTIFFS OPPOSITION TO DEFENDANTS MOTION TO DISMISS PLAINTIFFS COMPLAINT UNDER FEDERAL RULE OF CIVIL PROCEDURE 12(b)(6) re <u>28</u> filed by City of San Jose, City of San Jose as Successor Agency to the Redevelopment Agency of the City of San Jose, The San Jose Diridon Development Authority. (Gregory, Philip) (Filed on 9/6/2013) Modified on 9/9/2013 (bwS, COURT STAFF). (Entered: 09/06/2013)
09/12/2013	<u>31</u>	Joint Stipulation and (PROPOSED) ORDER to Extend ADR Deadline filed by City of San Jose, City of San Jose as Successor Agency to the Redevelopment Agency of the City of San Jose, Office of the Commissioner of Baseball, Allan Huber "Bud" Selig, The San Jose Diridon Development Authority. (Keker, John) (Filed on 9/12/2013) Text modified on 9/13/2013 conforming to posted document caption (bwS, COURT STAFF). (Entered: 09/12/2013)
09/13/2013	<u>32</u>	ADR Certification by Parties and Counsel (ADR L.R. 3-5 b) of

		discussion of ADR options (Keker, John) (Filed on 9/13/2013) Modified on 9/16/2013 (bwS, COURT STAFF). (Entered: 09/13/2013)
09/13/2013	<u>33</u>	ADR Certification vy Parties and Counsel (ADR L.R. 3-5 b) of discussion of ADR options (Gregory, Philip) (Filed on 9/13/2013) Modified on 9/16/2013 (bwS, COURT STAFF). (Entered: 09/13/2013)
09/18/2013	<u>34</u>	JOINT STIPULATION AND ORDER <u>31</u> to Extend ADR Deadline. Signed by Judge Ronald M. Whyte on 9/18/13. (jgS, COURT STAFF) (Filed on 9/18/2013) (Entered: 09/18/2013)
09/20/2013	<u>35</u>	REPLY IN SUPPORT OF MOTION TO DISMISS PLAINTIFFS COMPLAINT UNDER FED. R. CIV. P.12(B)(6) re <u>25</u> filed by Office of the Commissioner of Baseball, Allan Huber "Bud" Selig. (Attachments: # <u>1</u> Declaration of John Keker, # <u>2</u> Exhibit-A) (Keker, John) (Filed on 9/20/2013) Modified on 9/23/2013 (bw, COURT STAFF). (Entered: 09/20/2013)
09/20/2013	<u>36</u>	Reply in Support of Request for Judicial Notice in Support of Motion to Dismiss Plaintiff's Complaint re <u>25</u> filed by Office of the Commissioner of Baseball, Allan Huber "Bud" Selig. (Keker, John) (Filed on 9/20/2013) Modified on 9/23/2013 (bw, COURT STAFF). (Entered: 09/20/2013)
09/27/2013	<u>37</u>	Joint Case Management Statement & [Proposed] Order filed by Office of the Commissioner of Baseball, Allan Huber "Bud" Selig. (Keker, John) (Filed on 9/27/2013) Modified on 10/1/2013 (bwS, COURT STAFF). (Entered: 09/27/2013)
10/04/2013	<u>38</u>	Minute Entry: Motion Hearing held on 10/4/2013 before Ronald M. Whyte (Date Filed: 10/4/2013) re <u>25</u> MOTION to Dismiss filed by Office of the Commissioner of Baseball, Allan Huber "Bud" Selig. (Court Reporter Summer Fisher.) (jgS, COURT STAFF) (Date Filed: 10/4/2013) (Entered: 10/07/2013)
10/07/2013	<u>39</u>	TRANSCRIPT ORDER by City of San Jose, City of San Jose as Successor Agency to the Redevelopment Agency of the City of San Jose, The San Jose Diridon Development Authority for Court Reporter Summer Fisher. (Murphy, Anne Marie) (Filed on 10/7/2013) (Entered: 10/07/2013)
10/08/2013		(Court only) ***Deadlines terminated. (jgS, COURT STAFF) (Filed on 10/8/2013) (Entered: 10/08/2013)
10/09/2013	 <u>40</u>	Transcript of Proceedings held on 10/04/13, before Judge Ronald M. Whyte. Court Reporter/Transcriber Summer Fisher, Telephone number 408-288-6150 summer_fisher@cand.uscourts.gov. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerks Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Release of

		Transcript Restriction set for 1/7/2014. (Related documents(s) <u>39</u>) (Fisher, Summer) (Filed on 10/9/2013) (Entered: 10/09/2013)
10/11/2013	<u>41</u>	Order by Hon. Ronald M. Whyte granting in part and denying in part <u>25</u> Motion to Dismiss (rmwlc1, COURT STAFF) (Filed on 10/11/2013) (Entered: 10/11/2013)
10/16/2013	<u>42</u>	TRANSCRIPT ORDER by Office of the Commissioner of Baseball, Allan Huber "Bud" Selig for Court Reporter Summer Fisher. (Ledingham, Shawn) (Filed on 10/16/2013) (Entered: 10/16/2013)
10/16/2013		(Court only) TRANSCRIPT COPY DELIVERED re <u>42</u> Transcript Order (Related documents(s) <u>42</u>) (Fisher, Summer) (Filed on 10/16/2013) (Entered: 10/16/2013)
10/21/2013	<u>43</u>	STIPULATION and (PROPOSED) ORDER Regarding the Deadline for Filing an Answer filed by Office of the Commissioner of Baseball, Allan Huber "Bud" Selig. (Keker, John) (Filed on 10/21/2013) Modified on 10/22/2013 (bwS, COURT STAFF). (Entered: 10/21/2013)
11/08/2013	<u>44</u>	Order setting initial case management conference. Signed by Judge Whyte on 11/8/13. (rmwlc2, COURT STAFF) (Filed on 11/8/2013) (Entered: 11/08/2013)
11/12/2013	<u>45</u>	Joint STIPULATION and (PROPOSED) ORDER o Further Extend ADR Deadline filed by Office of the Commissioner of Baseball, Allan Huber "Bud" Selig. (Keker, John) (Filed on 11/12/2013) Text modified on 11/13/2013 (bwS, COURT STAFF). (Entered: 11/12/2013)
11/19/2013		Set/Reset Hearing Case Management Conference set for 12/13/2013 10:30 AM in Courtroom 6, 4th Floor, San Jose. (jgS, COURT STAFF) (Filed on 11/19/2013) (Entered: 11/19/2013)
11/26/2013	<u>46</u>	Answer to Complaint re <u>1</u> filed by Commissioner of Baseball, Allan Huber "Bud" Selig. (Keker, John) (Filed on 11/26/2013) Linkage added on 11/29/2013 (bw, COURT STAFF). (Entered: 11/26/2013)
12/06/2013	<u>47</u>	SUPPLEMENTAL JOINT CASE MANAGEMENT STATEMENT and [Proposed] Order filed by Office of the Commissioner of Baseball, Allan Huber "Bud" Selig. (Keker, John) (Filed on 12/6/2013) Modified on 12/10/2013 (bwS, COURT STAFF). (Entered: 12/06/2013)
12/11/2013	<u>48</u>	STIPULATION AND ORDER <u>43</u> Re: the Deadline for Filing Answer. Signed by Judge Ronald M. Whyte on 11/25/13. (jgS, COURT STAFF) (Filed on 12/11/2013) (Entered: 12/11/2013)
12/11/2013	<u>49</u>	STIPULATION AND ORDER <u>45</u> to Further Extend ADR Deadline. Signed by Judge Ronald M. Whyte on 12/11/13. (jgS, COURT STAFF) (Filed on 12/11/2013) (Entered: 12/11/2013)
12/11/2013	<u>50</u>	NOTICE of Appearance of Robert Adam Lauridsen filed by Office of the Commissioner of Baseball (Lauridsen, Robert) (Filed on 12/11/2013) Modified on 12/17/2013 (bwS, COURT STAFF). (Entered: 12/11/2013)

12/27/2013	<u>51</u>	ORDER Declining to Retain Supplemental Jurisdiction of State Law Claims. Signed by Judge Ronald M. Whyte on 12/27/13. (rmwlc1, COURT STAFF) (Filed on 12/27/2013) (Entered: 12/27/2013)
01/03/2014	<u>52</u>	JUDGMENT. Signed by Judge Ronald M. Whyte on 1/3/14. (rmwlc1, COURT STAFF) (Filed on 1/3/2014) (Entered: 01/03/2014)
01/07/2014		(Court only) ***Civil Case Terminated as to Judgment re <u>52</u> (bwS, COURT STAFF) (Filed on 1/7/2014) (Entered: 01/07/2014)
01/23/2014	<u>53</u>	NOTICE OF APPEAL OF PLAINTIFFS re <u>52</u> (Filing fee not paid) by City of San Jose, City of San Jose as Successor Agency to the Redevelopment Agency of the City of San Jose, The San Jose Diridon Development Authority (Gregory, Philip) (Filed on 1/23/2014) Text Modified on 1/23/2014; incorrect event type used when posting Appeal (bwS, COURT STAFF). (Entered: 01/23/2014)
01/23/2014	<u>54</u>	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals (Attachments: # <u>1</u> Certified Copy of Notice of Appeal re {53}, # <u>2</u> Certified Copy of Judgment re <u>52</u>) (bwS, COURT STAFF) (Filed on 1/23/2014) (Entered: 01/23/2014)