

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

U.S. Court of Appeals Docket Number: 06-36042  
Lower Court Docket Number: CV-04-02338-RSM

**FILED**  
DEC - 5 2006  
Office of the Clerk  
U.S. COURT OF APPEALS  
FOR THE NINTH CIRCUIT  
Seattle Divisional Office

KENNETH FLEMING

Plaintiff

and

R. K.

Plaintiff - Appellant

04-CV-02338-APPO

v.

CORPORATION OF THE PRESIDENT OF THE CHURCH OF  
JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation  
also known as Mormon Church

Defendant - Appellee

FILED \_\_\_\_\_ ENTERED \_\_\_\_\_  
LODGED \_\_\_\_\_ RECEIVED \_\_\_\_\_  
SA DEC - 7 2006  
AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY

T I M E S C H E D U L E O R D E R

The parties shall meet the following time schedule:

-> Appellant/petitioner shall immediately  
file the civil appeals docketing statement (CADS),  
pursuant to Circuit Rule 33-1;

-> Appellant/petitioner shall notify appellee/  
respondent of transcripts to be ordered, pursuant to  
Circuit Rule 10-3.1(a); 12/14/06

-> Appellee/respondent shall notify appellant/  
petitioner of any additional transcripts needed,  
pursuant to Circuit Rule 10-3.1(b); 12/26/06

- > Appellant/petitioner shall file transcript order form with the district court and make payment arrangements with court reporter, pursuant to Circuit Rule 10-3.1; 1/3/07
- > Court reporter shall file transcript in the district court, pursuant to FRAP 11(b) and Circuit Rule 11-1.1; 2/5/07
- > Appellant/petitioner's opening brief and excerpts of record shall be served and filed pursuant to FRAP 32 and Circuit Rule 32-1; 3/22/07
- > The brief of appellee/respondent shall be filed and served, pursuant to FRAP 32 and Circuit Rule 32-1; 4/23/07
- > The optional appellant/petitioner reply brief shall be filed and served within fourteen days of service of the appellee/respondent's brief, pursuant to FRAP 32 and Circuit Rule 32-1.

FAILURE OF THE APPELLANT TO COMPLY WITH THE TIME SCHEDULE ORDER WILL RESULT IN AUTOMATIC DISMISSAL OF THE APPEAL. CIRCUIT RULE 42-1.

APPELLANTS/PETITIONERS WITHOUT REPRESENTATION OF COUNSEL IN A PRISONER APPEAL MAY HAVE THEIR CASE SUBMITTED ON THE BRIEFS AND RECORD WITHOUT ORAL ARGUMENT, PURSUANT TO FRAP 34(a). WITHIN 10 DAYS OF THE FILING OF THE APPELLANT'S OPENING BRIEF, PARTIES MAY FILE A STATEMENT SETTING FORTH THE REASONS WHY, IN THE OPINION OF THE PARTIES, ORAL ARGUMENT SHOULD BE HEARD.

FOR THE COURT:

Cathy A. Catterson  
Clerk of Court



Deputy Clerk

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
OFFICE OF THE CLERK

BRUCE RIFKIN  
CLERK

December 4, 2006

Cathy Catterson, Clerk  
U.S. Court of Appeals  
95 7th Street  
San Francisco, CA 94103

FILED 799-5111 1ST ST SEATTLE, WASHINGTON 98101 ENTERED RECEIVED  
RECEIVED DEC 07 2006 LK  
CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON DEPUTY  
DEC - 4 2006  
FILED DOCKETED DATE INITIAL

RE: Civil Appeal  
Kenneth Fleming et al vs. Corporation of the President of the Church of Jesus Christ of Latter Day Saints,  
04-CV-2338RSM

Under cover of this letter please find:

- ✓ Notice of Appeal
- ✓ Docket Fee Payment Notification
- ✓ Copy of Docket Entries
- ✓ Copy of Order(s) on Appcal (CCA only)
- ✓ Copy of this cover letter (CCA only). Please date stamp and return with CCA docket number.

6-36042

Transcript Designation and Ordering Form to be filed. See [www.uscourts.gov](http://www.uscourts.gov) for form . [To Appellant only. Under Circuit Rule 10-3.1(c) appellant required to file this form within thirty days of filing Notice of Appeal.] **Please note service requirements.**

BRUCE RIFKIN, Clerk of Court

By s/Lynn Kandziora  
Appcals Clerk

cc: All counsel of record [FRAP 3(d)]  
Enclosure(s)