

**S277120**

**General Docket**

**United States Court of Appeals for the Ninth Circuit**

**Court of Appeals Docket #:** 21-16528 **Docketed:** 09/16/2021  
**Nature of Suit:** 3440 Other Civil Rights **Termed:** 11/01/2022  
Armida Ruelas, et al v. County of Alameda, et al  
**Appeal From:** U.S. District Court for Northern California, Oakland  
**Fee Status:** Paid

**Case Type Information:**

- 1) civil
- 2) private
- 3) null

**Originating Court Information:**

**District:** 0971-4 : 4:19-cv-07637-JST  
**Court Reporter:** Pamela Ann Batalo, Court Reporter  
**Court Reporter:** Odile Hansen, Court Reporter Supervisor  
**Court Reporter:** Diane E. Skillman, Official Court Reporter  
**Trial Judge:** Jon S. Tigar, District Judge  
**Date Filed:** 11/20/2019

| <b>Date Order/Judgment:</b> | <b>Date Order/Judgment EOD:</b> | <b>Date NOA Filed:</b> | <b>Date Rec'd COA:</b> |
|-----------------------------|---------------------------------|------------------------|------------------------|
| 06/24/2021                  | 06/24/2021                      | 09/16/2021             | 09/16/2021             |

**Prior Cases:**

21-80075, **Date Filed:** 07/07/2021 **Date Disposed:** 09/16/2021 **Disposition:** Granted – Judge Order

**Current Cases:**

None

ARMIDA RUELAS  
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v.

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Defendant – Appellant,

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ARMIDA RUELAS; DE'ANDRE EUGENE COX; BERT DAVIS; KATRISH JONES; JOSEPH MEBRAHTU; DAHRYL LAMONT REYNOLDS; MONICA MASON; LUIS NUNEZ-ROMERO; SCOTT ABBEY,

Plaintiffs – Appellees,

v.

COUNTY OF ALAMEDA; SHERIFF GREGORY J. AHERN; ARAMARK CORRECTIONAL SERVICES, LLC,

Defendants – Appellants.

|            |           |   |
|------------|-----------|---|
| 09/16/2021 | <u>1</u>  | Filed order (MICHAEL DALY HAWKINS and KENNETH K. LEE, Circuit Judges) in case no. 21-80075 on September 16, 2021: A review of the court's records and the response to the court's August 5, 2021 order reflects that the petition was timely filed on July 6, 2021. Accordingly, the order to show cause is discharged. The Clerk will amend the docket to correct the filing date of the petition to July 6, 2021. The petition for permission to appeal pursuant to 28 U.S.C. § 1292(b) is granted. Within 14 days after the date of this order, petitioners shall perfect the appeal in accordance with Federal Rule of Appellate Procedure 5(d). [12230653] (RT) [Entered: 09/16/2021 02:02 PM]   |
| 09/16/2021 | <u>2</u>  | DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. SEND MQ: Yes. The schedule is set as follows: Appellants Gregory J. Ahern, Aramark Correctional Services, LLC and County of Alameda Mediation Questionnaire due on 09/23/2021. Transcript ordered by 10/18/2021. Transcript due 11/16/2021. Appellants Gregory J. Ahern, Aramark Correctional Services, LLC and County of Alameda opening brief due 12/27/2021. Appellees Scott Abbey, De'andre Eugene Cox, Bert Davis, Katrish Jones, Monica Mason, Joseph Mebrahtu, Luis Nunez-Romero, Dahryl Lamont Reynolds and Armida Ruelas answering brief due 01/27/2022. Appellant's optional reply brief is due 21 days after service of the answering brief. [12230655] (RT) [Entered: 09/16/2021 02:04 PM] |
| 09/20/2021 | <u>3</u>  | Received notification from District Court re: payment of docket fee. Amount Paid: USD 505.00. Date paid: 09/20/2021. [12233973] (RT) [Entered: 09/20/2021 05:16 PM]   |
| 09/23/2021 | <u>4</u>  | Filed (ECF) Appellants Gregory J. Ahern and County of Alameda Mediation Questionnaire. Date of service: 09/23/2021. [12237367] [21-16528] (Hofmann, Adam) [Entered: 09/23/2021 02:34 PM]  |
| 09/23/2021 | <u>5</u>  | Filed (ECF) Appellant Aramark Correctional Services, LLC Mediation Questionnaire. Date of service: 09/23/2021. [12237675] [21-16528] (Chaput, Isaac) [Entered: 09/23/2021 04:39 PM]   |
| 09/23/2021 | <u>6</u>  | Filed (ECF) Appellees Scott Abbey, De'andre Eugene Cox, Bert Davis, Katrish Jones, Monica Mason, Joseph Mebrahtu, Luis Nunez-Romero, Dahryl Lamont Reynolds and Armida Ruelas Mediation Questionnaire. Date of service: 09/23/2021. [12237775] [21-16528] (Johns, EmilyRose) [Entered: 09/23/2021 06:31 PM]   |
| 09/23/2021 | <u>7</u>  | The Mediation Questionnaire for this case was filed on 09/23/2021.<br>To submit pertinent <b>confidential</b> information directly to the Circuit Mediators, please use the following <a href="#">link</a> .<br>Confidential submissions may include any information relevant to mediation of the case and settlement potential, including, but not limited to, settlement history, ongoing or potential settlement discussions, non-litigated party related issues, other pending actions, and timing considerations that may impact mediation efforts.[12237779]. [21-16528] (AD) [Entered: 09/23/2021 06:44 PM]  |
| 09/23/2021 | <u>8</u>  | The Mediation Questionnaire for this case was filed on 09/23/2021.<br>To submit pertinent <b>confidential</b> information directly to the Circuit Mediators, please use the following <a href="#">link</a> .<br>Confidential submissions may include any information relevant to mediation of the case and settlement potential, including, but not limited to, settlement history, ongoing or potential settlement discussions, non-litigated party related issues, other pending actions, and timing considerations that may impact mediation efforts.[12237782]. [21-16528] (AD) [Entered: 09/23/2021 06:44 PM]  |
| 09/23/2021 | <u>9</u>  | The Mediation Questionnaire for this case was filed on 09/23/2021.<br>To submit pertinent <b>confidential</b> information directly to the Circuit Mediators, please use the following <a href="#">link</a> .<br>Confidential submissions may include any information relevant to mediation of the case and settlement potential, including, but not limited to, settlement history, ongoing or potential settlement discussions, non-litigated party related issues, other pending actions, and timing considerations that may impact mediation efforts.[12237783]. [21-16528] (AD) [Entered: 09/23/2021 06:44 PM]  |
| 10/13/2021 | <u>10</u> |   |



- MEDIATION CONFERENCE SCHEDULED – DIAL-IN Assessment Conference, 11/10/2021, 10:00 a.m. PACIFIC Time. The briefing schedule previously set by the court remains in effect. See order for instructions and details. [12255708] (CL) [Entered: 10/13/2021 01:32 PM]
- 11/19/2021 11 MEDIATION ORDER FILED: This case is RELEASED from the Mediation Program. Counsel are requested to contact the Circuit Mediator should circumstances develop that warrant settlement discussions while the appeal is pending. [12293908] (CL) [Entered: 11/19/2021 04:18 PM]
- 12/13/2021 12 Filed (ECF) Streamlined request for extension of time to file Opening Brief by Appellant Aramark Correctional Services, LLC. New requested due date is 01/19/2022. [12313518] [21-16528] (Bosset, Eric) [Entered: 12/13/2021 09:19 AM]
- 12/13/2021 13 **Streamlined request [12] by Appellant Aramark Correctional Services, LLC to extend time to file the brief is approved for all Appellants. Streamlined requests allow for a 30 day extension of time to file the brief. Amended briefing schedule: Appellants Gregory J. Ahern, Aramark Correctional Services, LLC and County of Alameda opening brief due 01/26/2022. Appellees Scott Abbey, De'andre Eugene Cox, Bert Davis, Katrish Jones, Monica Mason, Joseph Mebrahtu, Luis Nunez-Romero, Dahryl Lamont Reynolds and Armida Ruelas answering brief due 02/25/2022. The optional reply brief is due 21 days from the date of service of the answering brief.** [12313986] (JN) [Entered: 12/13/2021 12:18 PM]
- 01/24/2022 14 Filed (ECF) notice of appearance of Kevin Franz King (Covington & Burling LLP, One CityCenter, 850 Tenth Street NW, Washington, DC 20001) for Appellant Aramark Correctional Services, LLC. Date of service: 01/24/2022. (Party was previously proceeding with counsel.) [12348280] [21-16528] (King, Kevin) [Entered: 01/24/2022 07:34 AM]
- 01/24/2022 15 Added Attorney(s) Kevin King for party(s) Appellant Aramark Correctional Services, LLC, in case 21-16528. [12348431] (RR) [Entered: 01/24/2022 09:14 AM]
- 01/24/2022 16 Filed (ECF) notice of appearance of Adam Zeldes Margulies (Covington & Burling LLP, The New York Times Bldg, 620 8th Ave., New York, NY 10018) for Appellant Aramark Correctional Services, LLC. Date of service: 01/24/2022. (Party was previously proceeding with counsel.) [12348518] [21-16528] (Margulies, Adam) [Entered: 01/24/2022 09:49 AM]
- 01/24/2022 17 Added Attorney(s) Adam Zeldes Margulies for party(s) Appellant Aramark Correctional Services, LLC, in case 21-16528. [12348529] (RR) [Entered: 01/24/2022 09:55 AM]
- 01/26/2022 18 Filed (ECF) Appellant Aramark Correctional Services, LLC Motion to take judicial notice of California legislative history materials and county government records. Date of service: 01/26/2022. [12352218] [21-16528] (Bosset, Eric) [Entered: 01/26/2022 02:39 PM]
- 01/26/2022 19 Submitted (ECF) Opening Brief for review. Submitted by Appellant Aramark Correctional Services, LLC. Date of service: 01/26/2022. [12352242] [21-16528] (Bosset, Eric) [Entered: 01/26/2022 02:44 PM]
- 01/26/2022 20 Submitted (ECF) Opening Brief for review. Submitted by Appellants County of Alameda and Gregory J. Ahern. Date of service: 01/26/2022. [12352749] [21-16528] (Hofmann, Adam) [Entered: 01/26/2022 06:28 PM]
- 01/26/2022 21 Submitted (ECF) excerpts of record. Submitted by Appellants Gregory J. Ahern and County of Alameda. Date of service: 01/26/2022. [12352751] [21-16528] (Hofmann, Adam) [Entered: 01/26/2022 06:35 PM]
- 01/27/2022 22 Filed clerk order: The opening brief [19] submitted by Aramark Correctional Services, LLC is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: blue. The paper copies shall be submitted to the

- principal office of the Clerk. [12352898] (KWG) [Entered: 01/27/2022 08:43 AM]
- 01/27/2022 23 Filed clerk order: The opening brief [20] submitted by Gregory J. Ahern and County of Alameda is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: blue. The excerpts of record [21] submitted by Gregory J. Ahern and County of Alameda are filed. Within 7 days of this order, filer is ordered to file 3 copies of the excerpts in paper format securely bound on the left side, with white covers. The paper copies shall be submitted to the principal office of the Clerk. [12352906] (KWG) [Entered: 01/27/2022 08:46 AM]
- 01/28/2022 24 Received 6 paper copies of Opening Brief [19] filed by Aramark Correctional Services, LLC. [12354697] (SD) [Entered: 01/28/2022 02:10 PM]
- 01/31/2022 25 Received Appellants Gregory J. Ahern and County of Alameda 3 paper copies of excerpts of record [21] in 3 volume(s) and index volume. Deficiency: multiple volumes bound together. Corrections required (see attached notice). [12355982] (KT) [Entered: 01/31/2022 12:42 PM]
- 01/31/2022 26 Received 6 paper copies of Opening Brief [20] filed by Gregory J. Ahern and County of Alameda. [12356347] (SD) [Entered: 01/31/2022 03:26 PM]
- 02/01/2022 27 Received correction to deficient excerpts of record [21] from Appellants Gregory J. Ahern and County of Alameda: properly bound replacement copies. [12357475] (KWG) [Entered: 02/01/2022 01:00 PM]
- 02/01/2022 28 Received 3 paper copies of excerpts of record [21] in 3 volume(s) and index volume filed by Appellants Gregory J. Ahern and County of Alameda. [12357479] (KWG) [Entered: 02/01/2022 01:01 PM]
- 02/02/2022 29 Submitted (ECF) Amicus brief for review and filed Motion to become amicus curiae. Submitted by California State Association of Counties and California State Sheriffs' Association. Date of service: 02/02/2022. [12359342] [21-16528]—[COURT UPDATE: Attached separated PDF of the motion and brief. 02/03/2022 by KWG] (Henning, Jennifer) [Entered: 02/02/2022 04:26 PM]
- 02/03/2022 30 Entered appearance of Amici Curiae – Pending CSAC and California State Sheriffs' Association. [12359809] (KWG) [Entered: 02/03/2022 10:13 AM]
- 02/03/2022 31 Filed clerk order (Deputy Clerk: th): Motion [29] to become amicus is referred to panel. (see attached PDF for complete order addressing Dkt No. 29) [12360168] (TH) [Entered: 02/03/2022 01:54 PM]
- 02/08/2022 32 Received 6 paper copies of Amicus Brief [29] filed by CSAC and California State Sheriffs' Association. [12364370] (SD) [Entered: 02/08/2022 02:59 PM]
- 02/16/2022 33 Filed (ECF) Streamlined request for extension of time to file Answering Brief by Appellees Scott Abbey, De'andre Eugene Cox, Bert Davis, Katrish Jones, Monica Mason, Joseph Mebrahtu, Luis Nunez-Romero, Dahryl Lamont Reynolds and Armida Ruelas. New requested due date is 03/28/2022. [12371911] [21-16528] (Johns, EmilyRose) [Entered: 02/16/2022 11:25 AM]
- 02/16/2022 34 ENTRY UPDATED. ORIGINAL TEXT TO CORRECT DUE DATE: **Streamlined request [33] by Appellees Scott Abbey, De'andre Eugene Cox, Bert Davis, Katrish Jones, Monica Mason, Joseph Mebrahtu, Luis Nunez-Romero, Dahryl Lamont Reynolds and Armida Ruelas to extend time to file the brief is approved. Amended briefing schedule: Appellees Scott Abbey, De'andre Eugene Cox, Bert Davis, Katrish Jones, Monica Mason, Joseph Mebrahtu, Luis Nunez-Romero, Dahryl Lamont Reynolds and Armida Ruelas answering brief due 03/28/2022. The optional reply brief is due 21 days from the date of service of the answering brief.** [12372303]—[Edited 02/16/2022 by BG] (BG) [Entered: 02/16/2022 01:59 PM]
- 03/10/2022 35 Filed (ECF) Appellees Scott Abbey, De'andre Eugene Cox, Bert Davis, Katrish Jones, Monica Mason, Joseph Mebrahtu, Luis Nunez-Romero, Dahryl Lamont Reynolds and Armida Ruelas Motion to

- extend time to file Answering brief until 04/27/2022. Date of service: 03/10/2022. [12392212] [21-16528] (Johns, EmilyRose) [Entered: 03/10/2022 05:41 PM]
- 03/11/2022 36 Filed clerk order (Deputy Clerk: th): Granting appellees' unopposed motion [35] (ECF Filing) to extend time to file answering brief. Appellees Scott Abbey, De'andre Eugene Cox, Bert Davis, Katrish Jones, Monica Mason, Joseph Mebrahtu, Luis Nunez-Romero, Dahryl Lamont Reynolds and Armida Ruelas answering brief due 04/27/2022. The optional reply brief is due 21 days after service of the answering brief. [12392633] (TH) [Entered: 03/11/2022 11:41 AM]
- 04/22/2022 37 Filed (ECF) Appellees Armida Ruelas, Dahryl Lamont Reynolds, Luis Nunez-Romero, Joseph Mebrahtu, Monica Mason, Katrish Jones, Bert Davis, De'andre Eugene Cox and Scott Abbey Motion to extend time to file Answering brief until 05/11/2022. Date of service: 04/22/2022. [12429356] [21-16528] (Johns, EmilyRose) [Entered: 04/22/2022 06:01 PM]
- 04/27/2022 38 Filed clerk order (Deputy Clerk: TH): The appellees' unopposed motion (Docket Entry No. [37]) for a third extension of time to file the answering brief is granted. The answering brief is due May 11, 2022. The optional reply brief is due within 21 days after service of the answering brief. [12432342] (RY) [Entered: 04/27/2022 11:12 AM]
- 05/11/2022 39 Filed (ECF) notice of appearance of Daniel M Siegel (Siegel, Yee, Brunner & Mehta, 475 14th Street, Suite 500, Oakland, CA 94612) for Appellees Scott Abbey, De'andre Eugene Cox, Bert Davis, Katrish Jones, Monica Mason, Joseph Mebrahtu, Luis Nunez-Romero, Dahryl Lamont Reynolds and Armida Ruelas. Date of service: 05/11/2022. (Party was previously proceeding with counsel.) [12444737] [21-16528] (Siegel, Dan) [Entered: 05/11/2022 07:34 PM]
- 05/11/2022 40 Filed (ECF) Appellees Scott Abbey, De'andre Eugene Cox, Bert Davis, Katrish Jones, Monica Mason, Joseph Mebrahtu, Luis Nunez-Romero, Dahryl Lamont Reynolds and Armida Ruelas Motion to take judicial notice of. Date of service: 05/11/2022. [12444742] [21-16528] (Johns, EmilyRose) [Entered: 05/11/2022 07:49 PM]
- 05/11/2022 41 Submitted (ECF) Answering Brief for review. Submitted by Appellees Scott Abbey, De'andre Eugene Cox, Bert Davis, Katrish Jones, Monica Mason, Joseph Mebrahtu, Luis Nunez-Romero, Dahryl Lamont Reynolds and Armida Ruelas. Date of service: 05/11/2022. [12444743] [21-16528] (Johns, EmilyRose) [Entered: 05/11/2022 07:53 PM]
- 05/12/2022 42 Added Attorney(s) Daniel Lawrence Siegel for party(s) Appellee Dahryl Lamont Reynolds Appellee Armida Ruelas Appellee De'andre Eugene Cox Appellee Scott Abbey Appellee Monica Mason Appellee Bert Davis Appellee Joseph Mebrahtu Appellee Luis Nunez-Romero Appellee Katrish Jones, in case 21-16528. [12444801] (DJV) [Entered: 05/12/2022 07:12 AM]
- 05/12/2022 43 Attorneys Daniel Lawrence Siegel, Daniel Lawrence Siegel, Daniel Lawrence Siegel, Daniel Lawrence Siegel, Daniel Lawrence Siegel, Daniel Lawrence Siegel, Daniel Lawrence Siegel and Daniel Lawrence Siegel in 21-16528 substituted by Attorneys Dan M. Siegel, Dan M. Siegel, Dan M. Siegel, Dan M. Siegel, Dan M. Siegel, Dan M. Siegel, Dan M. Siegel and Dan M. Siegel in 21-16528 [12445028] (DJV) [Entered: 05/12/2022 09:52 AM]
- 05/12/2022 44 Attorney Daniel Lawrence Siegel in 21-16528 substituted by Attorney Dan M. Siegel in 21-16528 [12445031] (DJV) [Entered: 05/12/2022 09:53 AM]
- 05/12/2022 45 Filed clerk order: The answering brief [41] submitted by appellees is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: red. The paper copies shall be submitted to the principal office of the Clerk. [12445056] (KT) [Entered: 05/12/2022 10:05 AM]
- 05/12/2022 46 Filed (ECF) Streamlined request for extension of time to file Reply Brief by Appellant Aramark Correctional Services, LLC. New requested due date is 07/01/2022. [12445655] [21-16528] (Chaput,

- Isaac) [Entered: 05/12/2022 02:41 PM]
- 05/12/2022 47 **Streamlined request [46] by Appellant Aramark Correctional Services, LLC to extend time to file the brief is approved. Amended briefing schedule: the optional reply brief is due 07/05/2022.** [12445721] (BG) [Entered: 05/12/2022 03:15 PM]
- 05/12/2022 48 Filed (ECF) Streamlined request for extension of time to file Reply Brief by Appellants Gregory J. Ahern and County of Alameda. New requested due date is 07/01/2022. [12445742] [21-16528] (Hofmann, Adam) [Entered: 05/12/2022 03:29 PM]
- 05/12/2022 49 **Streamlined request [48] by Appellants Gregory J. Ahern and County of Alameda to extend time to file the brief is approved. Amended briefing schedule: the optional reply brief is due 07/05/2022.** [12445768] (BG) [Entered: 05/12/2022 03:42 PM]
- 05/12/2022 50 Filed (ECF) notice of appearance of Winston K. Hu (Hanson Bridgett LLP, 425 Market Street, 26th Floor, San Francisco, CA 94105) for Appellants County of Alameda and Gregory J. Ahern. Date of service: 05/12/2022. (Party was previously proceeding with counsel.) [12445788] [21-16528] (Hu, Winston) [Entered: 05/12/2022 03:54 PM]
- 05/12/2022 51 Added Attorney Winston Hu for Appellants County of Alameda and Gregory J. Ahern, in case 21-16528. [12445795] (HH) [Entered: 05/12/2022 03:56 PM]
- 05/18/2022 52 Received 6 paper copies of Answering Brief [41] filed by Appellees. [12450445] (SD) [Entered: 05/18/2022 02:40 PM]
- 06/24/2022 53 This case is being considered for an upcoming oral argument calendar in San Francisco
- Please review the San Francisco sitting dates for October 2022 and the 2 subsequent sitting months in that location at [http://www.ca9.uscourts.gov/court\\_sessions](http://www.ca9.uscourts.gov/court_sessions). If you have an unavoidable conflict on any of the dates, please file **Form 32 within 3 business days of this notice** using the CM/ECF filing type **Response to Case Being Considered for Oral Argument**. Please follow the form's instructions carefully.
- When setting your argument date, the court will try to work around unavoidable conflicts; the court is not able to accommodate mere scheduling preferences. You will receive notice that your case has been assigned to a calendar approximately 10 weeks before the scheduled oral argument date.
- If the parties wish to discuss settlement before an argument date is set, they should jointly request referral to the mediation unit by filing a letter **within 3 business days of this notice**, using CM/ECF (**Type of Document:** Correspondence to Court; **Subject:** request for mediation).[12479253]. [21-16528] (KS) [Entered: 06/24/2022 11:31 AM]
- 06/27/2022 54 Filed (ECF) Attorney Mr. Adam W. Hofmann for Appellants Gregory J. Ahern and County of Alameda response to notice for case being considered for oral argument. Date of service: 06/27/2022. [12480441] [21-16528] (Hofmann, Adam) [Entered: 06/27/2022 10:44 AM]
- 07/01/2022 55 Submitted (ECF) Reply Brief for review. Submitted by Appellant Aramark Correctional Services, LLC. Date of service: 07/01/2022. [12485243] [21-16528] (Bosset, Eric) [Entered: 07/01/2022 01:38 PM]
- 07/01/2022 56 Filed clerk order: The reply brief [55] submitted by Aramark Correctional Services, LLC is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: gray. The paper copies shall be submitted to the principal office of the Clerk. [12485365] (KT) [Entered: 07/01/2022 02:34 PM]
- 07/05/2022

- 57 Submitted (ECF) Reply Brief for review. Submitted by Appellants Gregory J. Ahern and County of Alameda. Date of service: 07/05/2022. [12486739] [21-16528] (Hofmann, Adam) [Entered: 07/05/2022 04:34 PM]
- 07/06/2022 58 Filed clerk order: The reply brief [57] submitted by Gregory J. Ahern and County of Alameda is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: gray. The paper copies shall be submitted to the principal office of the Clerk. [12487123] (KT) [Entered: 07/06/2022 10:01 AM]
- 07/06/2022 59 Received 6 paper copies of Reply Brief [55] filed by Aramark Correctional Services, LLC. [12487836] (SD) [Entered: 07/06/2022 04:23 PM]
- 07/06/2022 60 Received 6 paper copies of Reply Brief [57] filed by Gregory J. Ahern and County of Alameda. [12488453] (SD) [Entered: 07/07/2022 12:30 PM]
- 08/07/2022 61 Notice of Oral Argument on Monday, October 17, 2022 – 09:00 A.M. – Courtroom 3 – Scheduled Location: San Francisco CA.  
The hearing time is the local time zone at the scheduled hearing location.

View the Oral Argument Calendar for your case [here](#).

NOTE: Although your case is currently scheduled for oral argument, the panel may decide to submit the case on the briefs instead. *See* Fed. R. App. P. 34. Absent further order of the court, if the court does determine that oral argument is required in this case, you may have the option to appear in person at the Courthouse or remotely by video. Check [here](#) for updates on the status of reopening as the hearing date approaches. At this time, even when in person hearings resume, an election to appear remotely by video will not require a motion, **and any attorney wishing to appear in person must provide proof of vaccination**. The court expects and supports the fact that some attorneys and some judges will continue to appear remotely. If the panel determines that it will hold oral argument in your case, the Clerk's Office will contact you directly at least two weeks before the set argument date to review any requirements for in person appearance or to make any necessary arrangements for remote appearance.

Please note however that if you do elect to appear remotely, the court **strongly prefers** video over telephone appearance. Therefore, if you wish to appear remotely by telephone you will need to file a motion requesting permission to do so.

Be sure to review the [GUIDELINES](#) for important information about your hearing, including when to be available (30 minutes before the hearing time) and when and how to submit additional citations (filing electronically as far in advance of the hearing as possible).

If you are the specific attorney or self-represented party who will be arguing, use the **ACKNOWLEDGMENT OF HEARING NOTICE** filing type in CM/ECF no later than 28 days before Monday, October 17, 2022. No form or other attachment is required. If you will not be arguing, do not file an acknowledgment of hearing notice. [12511135]. [21-16528] (KS) [Entered: 08/07/2022 06:11 AM]

- 08/11/2022 62 Filed (ECF) Acknowledgment of hearing notice by Attorney Dan Siegel for Appellees Scott Abbey, De'andre Eugene Cox, Bert Davis, Katrish Jones, Monica Mason, Joseph Mebrahtu, Luis Nunez-Romero, Dahryl Lamont Reynolds and Armida Ruelas. Hearing in San Francisco on 10/17/2022 at 09:00 A.M. (Courtroom: 3). Filer sharing argument time: No. Appearance in person or by video: I wish to appear in person. Special accommodations: NO. Filer admission status: I certify that I am admitted to practice before this Court. Date of service: 08/11/2022. [12515121] [21-16528] (Siegel, Dan) [Entered: 08/11/2022 01:48 PM]

- 09/12/2022 63 Filed (ECF) Acknowledgment of hearing notice by Attorney Kevin King for Appellant Aramark Correctional Services, LLC. Hearing in San Francisco on 10/17/2022 at 09:00 A.M. (Courtroom: Courtroom 3, 3rd Floor Rm 307). Filer sharing argument time: Yes. (Argument minutes: 15) Appearance in person or by video: I wish to appear in person. Special accommodations: NO. Filer admission status: I certify that I am admitted to practice before this Court. Date of service: 09/12/2022. [12537573] [21-16528] (King, Kevin) [Entered: 09/12/2022 06:53 AM]
- 09/12/2022 64 Filed (ECF) Acknowledgment of hearing notice by Attorney Mr. Adam W. Hofmann for Appellants Gregory J. Ahern and County of Alameda. Hearing in San Francisco on 10/17/2022 at 09:00 A.M. (Courtroom: Courtroom 3). Filer sharing argument time: Yes. (Argument minutes: 5) Appearance in person or by video: I wish to appear in person. Special accommodations: NO. Filer admission status: I certify that I am admitted to practice before this Court. Date of service: 09/12/2022. [12538043] [21-16528] (Hofmann, Adam) [Entered: 09/12/2022 11:39 AM]
- 10/03/2022 65 Filed clerk order (Deputy Clerk: AF): Aramark's motion for judicial notice (Dkt [18]) is GRANTED. The California State Association of Counties and California State Sheriffs' Association's motion for leave to file an amicus brief in support of Defendants (Dkt [29]) is GRANTED. Plaintiffs' motion for judicial notice (Dkt. [40]) is GRANTED. [12554302] (AF) [Entered: 10/03/2022 10:50 AM]
- 10/03/2022 66 Filed clerk order: The amicus brief [29] submitted by CSAC and California State Sheriffs' Association is filed. No additional paper copies are required at this time. [12554832] (KT) [Entered: 10/03/2022 03:00 PM]
- 10/17/2022 67 ARGUED AND SUBMITTED TO SIDNEY R. THOMAS, MILAN D. SMITH, JR. and GEORGE H. WU. [12564972] (KT) [Entered: 10/17/2022 12:32 PM]
- 10/18/2022 68 Filed Audio recording of oral argument.  
**Note:** Video recordings of public argument calendars are available on the Court's website, at <http://www.ca9.uscourts.gov/media/> [12566188] (LW) [Entered: 10/18/2022 11:38 AM]
- 11/01/2022 69 Order filed for PUBLICATION (SIDNEY R. THOMAS, MILAN D. SMITH, JR. and GEORGE H. WU) We certify the question set forth in Part II of this order to the California Supreme Court. [SEE ORDER FOR FULL TEXT] The Clerk of this court is hereby directed to file in the California Supreme Court, under official seal of the United States Court of Appeals for the Ninth Circuit, copies of all relevant briefs and excerpts of record, and an original and ten copies of the request with a certification of service on the parties, pursuant to California Rules of Court 8.548(c), (d). This case is withdrawn from submission. Further proceedings in this case before our court are stayed pending final action by the California Supreme Court. The Clerk is directed to administratively close this docket, pending further order. The parties shall notify this court within fourteen days of the California Supreme Court's acceptance or rejection of certification and, if certification is accepted, within fourteen days of the California Supreme Court's issuance of a decision. IT IS SO ORDERED. [12577497] (MM) [Entered: 11/01/2022 08:45 AM]