



DOES THIS APPEAL INVOLVE ANY OF THE FOLLOWING:

1 Possibility of settlement

9 Likelihood that intervening precedent will control outcome of appeal

9 Likelihood of a motion to expedite or to stay the appeal, or other procedural matters (Specify) _____

9 Any other information relevant to the inclusion of this case in the Mediation Program _____

9

LOWER COURT INFORMATION

JURISDICTION		DISTRICT COURT DISPOSITION	
FEDERAL	APPELLATE	TYPE OF JUDGMENT/ORDER APPEALED	RELIEF
<p><u>:</u> FEDERAL QUESTION</p> <p><u>9</u> DIVERSITY</p> <p><u>9</u> OTHER (SPECIFY):</p>	<p><u>:</u> FINAL DECISION OF DISTRICT COURT</p> <p><u>9</u> INTERLOCUTORY DECISION APPEALABLE AS OF RIGHT</p> <p><u>9</u> INTERLOCUTORY ORDER CERTIFIED BY DISTRICT JUDGE (SPECIFY):</p> <p><u>9</u> OTHER (SPECIFY):</p>	<p><u>9</u> DEFAULT JUDGMENT</p> <p><u>9</u> DISMISSAL/JURISDICTION</p> <p><u>9</u> DISMISSAL/MERITS</p> <p><u>:</u> SUMMARY JUDGMENT</p> <p><u>:</u> JUDGMENT/COURT DECISION</p> <p><u>9</u> JUDGMENT/JURY VERDICT</p> <p><u>9</u> DECLARATORY JUDGMENT</p> <p><u>9</u> JUDGMENT AS A MATTER OF LAW</p> <p><u>9</u> OTHER (SPECIFY):</p>	<p><u>:</u> DAMAGES: SOUGHT \$ <u>equitable disgorgement of ill-gotten gains</u> AWARDED \$ <u>0</u></p> <p><u>:</u> INJUNCTIONS: <u>9</u> PRELIMINARY <u>:</u> PERMANENT <u>9</u> GRANTED <u>:</u> DENIED</p> <p><u>9</u> ATTORNEY FEES: SOUGHT \$ _____ AWARDED \$ _____</p> <p><u>9</u> PENDING</p> <p><u>9</u> COSTS: \$ _____</p>

CERTIFICATION OF COUNSEL

I CERTIFY THAT:

1. COPIES OF ORDER/JUDGMENT APPEALED FROM ARE ATTACHED.
2. A CURRENT SERVICE LIST OR REPRESENTATION STATEMENT WITH TELEPHONE AND FAX NUMBERS IS ATTACHED (SEE 9TH CIR. RULE 3-2).
3. A COPY OF THIS CIVIL APPEALS DOCKETING STATEMENT WAS SERVED IN COMPLIANCE WITH FRAP 25.
4. I UNDERSTAND THAT FAILURE TO COMPLY WITH THESE FILING REQUIREMENTS MAY RESULT IN SANCTIONS, INCLUDING DISMISSAL OF THIS APPEAL.

Signature

Date

COUNSEL WHO COMPLETED THIS FORM

NAME: David P. Frankel, Esq.

COUNSEL WHO COMPLETED THIS FORM: *Vertical Practices, Federal Trade Commission*

× THIS DOCUMENT SHOULD BE FILED IN THE DISTRICT COURT WITH THE NOTICE OF APPEAL ×
× IF FILED LATE, IT SHOULD BE FILED DIRECTLY WITH THE U.S. COURT OF APPEALS ×