

No. 09A-1133

IN THE SUPREME COURT OF THE UNITED STATES

---

JOHN MCCOMISH, NANCY MCLAIN, and TONY BOUIE,

*Plaintiffs-Appellees,*

v.

KEN BENNETT, in his official capacity as Secretary of State of the State of Arizona, and GARY SCARAMAZZO, ROYANN J. PARKER, JEFFREY L. FAIRMAN, LOUIS HOFFMAN and LORI DANIELS, in their official capacity as members of the ARIZONA CLEAN ELECTIONS COMMISSION,

*Defendants-Appellants,*

and

CLEAN ELECTIONS INSTITUTE, INC.,

*Defendant Intervenor-Appellant.*

---

On Renewed Emergency Application to Vacate Appellate Stay Entered by the  
United States Court of Appeals for the Ninth Circuit

---

**PLAINTIFFS' REPLY TO RESPONSE TO  
RENEWED EMERGENCY APPLICATION  
TO VACATE ERRONEOUS APPELLATE STAY AND  
ANCILLARY APPLICATION TO STAY MANDATE  
BEFORE THE HON. JUSTICE ANTHONY M. KENNEDY**

---

CLINT BOLICK  
NICHOLAS C. DRANIAS\*  
GUSTAVO E. SCHNEIDER  
GOLDWATER INSTITUTE  
Scharf-Norton Ctr. for Const. Lit.  
500 East Coronado Road, Phoenix, AZ 85004  
(602) 462-5000; facsimile: (602) 256-7045

*Counsel for Plaintiffs*  
*\*Counsel of Record*

**THE PROCEDURAL OBJECTIONS TO THE RENEWED APPLICATION ARE MERITLESS.**

Putting the cart before the horse, Defendants and Defendant-Intervenor's ("Defendants") attack Plaintiffs' ancillary request for a stay on the mandate from the May 21, 2010 merits decision before addressing Plaintiffs' principal request that the Court vacate the February 1, 2010 stay. Because the mandate has not issued yet,<sup>1</sup> the only reason to address Plaintiffs' ancillary relief at all is to prevent their principal request to vacate the February 1, 2010 stay from becoming moot. Defendants' objections to Plaintiffs' ancillary relief are otherwise completely irrelevant to the merits of the renewed application to vacate the February 1, 2010 stay, which should be considered independently on the merits.

Plaintiffs nevertheless agree that requesting a stay of the mandate from this Court in the first instance is appropriate only under

---

<sup>1</sup> On May 26, 2010, Plaintiffs' undersigned counsel confirmed in a telephone conversation at about 8:35 a.m. with "Jerry," a Clerk with the Ninth Circuit Court of Appeals, that June 14, 2010 is indeed the earliest mandate issuance date because the Court customarily issues a separate mandate from the merits decision 7 days after the expiration of the time for filing a petition for rehearing or 7 days from the denial of a petition for rehearing, unless the Court directs otherwise (*see* [http://www.ca9.uscourts.gov/datastore/uploads/forms/post\\_judgment\\_info\\_12-09.pdf](http://www.ca9.uscourts.gov/datastore/uploads/forms/post_judgment_info_12-09.pdf)).

extraordinary circumstances and to preserve the Court's jurisdiction. Plaintiffs' requested ancillary relief obviously fulfills both requisites.

Until the mandate issues, the district court's permanent injunction is the only final judgment that can be enforced. *Bryant v. Ford Motor Co.*, 886 F.2d 1526 (9<sup>th</sup> Cir. 1989); *see generally City of Cleveland v. Federal Power Comm'n*, 561 F.2d 344, 346 (D.C. Cir. 1977) (holding the mandate "establishes the law binding further action in the litigation by another body subject to its authority"). And if the February 1, 2010 appellate stay is vacated before the mandate issues, the district court's injunction will have immediate effect notwithstanding the May 21, 2010 merits decision. *See, e.g., California v. American Stores Company*, 492 U.S. 1301, 1304-05 (1989). If, however, the mandate issues, the district court's injunction will itself be vacated, and Plaintiffs' renewed application to vacate the stay on the injunction will become moot. Therefore, it is obvious that the requested stay on the mandate is necessary to preserve the Court's jurisdiction over the Plaintiffs' renewed application. It is a quintessential example of a request for ancillary relief to preserve the Court's jurisdiction, which falls squarely within the exception to the normal rule of seeking a

stay on the mandate from the Court of Appeals in the first instance. *See generally* 1 J. Pomeroy, Equity Jurisprudence § 171(1) (5th ed. 1941) (describing ancillary relief as supplemental to some principal relief to make the principal relief effective).

Extraordinary circumstances also exist given the full context in which this renewed application has been sought. By filing the renewed application within days of the issuance of the May 21, 2010 merits decision, Plaintiffs have acted with the very expediency and along the very procedural route contemplated by the Court's previous order. (Vol. IV, App. 426.) Any delay in filing Plaintiffs' renewed application, including waiting for the Ninth Circuit to rule on a petition for rehearing or motion to stay the mandate, would certainly contravene the spirit, if not the letter of this Court's prior order. Moreover, it is absurd to suggest that immediate relief is prematurely sought in view of: 1) the ongoing constitutional harm suffered by Plaintiffs and others; 2) the impending June 1, 2010 trigger reporting date; 3) the possibility of the mandate issuing as soon as June 14, 2010; and 4) the guarantee of matching funds being issued against innocent traditional candidates on June 22, 2010. (Vol. IV, App. 705-14.)

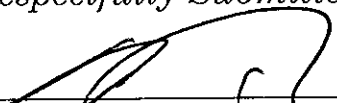
Finally, the same elements that are applied in the context of issuing an appellate stay or a preliminary injunction have been applied by the Court to impose a stay on the issuance of a mandate based on an emergency application to the Circuit Justice. *See, e.g., American Stores Company*, 492 U.S. at 1304-05. The requested ancillary relief is, therefore, properly founded upon the same elements advanced to support Plaintiffs' principal relief, which requests the vacation of the February 1, 2010 stay.

As argued previously, extraordinary circumstances exist for staying the mandate. The Fourteenth Amendment's guarantee of First Amendment protections is held in the balance. Plaintiffs resubmit that the Ninth Circuit's merits decision is clearly erroneous as a matter of law, which has been abundantly demonstrated in the renewed application, the supporting response brief of Plaintiff-Intervenor, and the proposed amicus brief of the Buz Mills Committee. Despite Defendants' claim that the Ninth Circuit merits panel fully considered the arguments and facts presented to it, the truth is that most of the facts and arguments raised by Plaintiffs/Plaintiff-Intervenor's briefings were completely unaddressed by the merits decision; including the core

argument that the matching funds system is not a true public financing system, but a dysfunctional hybrid private-public financing system that launders and leverages all of the supposedly corrupting aspects of private campaign financing condemned in *Buckley*. (*Compare* Vol. IV, App. 388-420 *with* App. 510-28, 534-50, 553-63.) Moreover, the decision contains outright misstatements of fact lacking any foundation in the record that have tarnished the reputation of former Arizona Governor J. Fife Symington. (See attached May 26, 2010 letter, Akin Gump to Ninth Circuit Court of Appeals.)

For these reasons, Plaintiffs ask the Court to grant their Renewed Emergency Application to Vacate the Ninth Circuit's February 1, 2010 order and to enter an ancillary stay on the issuance of the mandate from the Ninth Circuit's May 21, 2010 merits decision on or before May 28, 2010.

*Respectfully Submitted,*

  
CLINT BOLICK *Counsel for Plaintiffs*  
NICHOLAS C. DRANIAS\* *\*Counsel of Record*  
GUSTAVO E. SCHNEIDER  
GOLDWATER INSTITUTE  
Scharf-Norton Ctr. for Const. Lit.  
500 East Coronado Road, Phoenix, AZ 85004  
(602) 462-5000; facsimile: (602) 256-7045

## CERTIFICATE OF SERVICE

The ORIGINAL and TWO COPIES of Plaintiffs' Reply to Responses to Renewed Emergency Application to Vacate Erroneous Appellate Stay were dispatched via email to dbickell@supremecourt.gov and prepaid FedEx Express Overnight courier service on May 27, 2010 to:

Clerk of the Court  
SUPREME COURT OF THE UNITED STATES  
1 First Street, N.E.  
Washington, DC 20543

I hereby certify that, pursuant to Supreme Court Rule 29.2, each separately represented party was served with ONE COPY of Plaintiffs' Reply to Responses to Renewed Emergency Application to Vacate Erroneous Appellate Stay on May 27, 2010 via email and prepaid FedEx Express Overnight courier service as follows:

Parties and Counsel Served	
<i>Attorneys for Plaintiffs-Intervenors</i>	<i>Attorneys for Defendants</i>
Institute for Justice William R. Maurer Michael Bindas 101 Yesler Way, Suite 603 Seattle, Washington 98104 Telephone: (206) 341-9300 Facsimile: (206) 341-3911 <a href="mailto:wmaurer@ij.org">wmaurer@ij.org</a> <a href="mailto:mbindas@ij.org">mbindas@ij.org</a>  Timothy D. Keller 398 South Mill Ave., Ste 301 Tempe, Arizona 85281 Telephone: (480) 557-8300 Facsimile: (480) 557-8305 <a href="mailto:TKeller@ij.org">TKeller@ij.org</a>	Terry Goddard Attorney General Timothy Nelson Dep. Asst. Attorney General Christopher Munns Asst. Attorney General Mary O'Grady Solicitor General 1275 W. Washington St. Phoenix, Arizona 85007-2926 Telephone: (602) 542-3333 Facsimile: (602) 542-8308 <a href="mailto:Mary.OGrady@azag.gov">Mary.OGrady@azag.gov</a> <a href="mailto:Christopher.Munns@azag.gov">Christopher.Munns@azag.gov</a>

<i>Attorneys for Defendant-Intervenor</i>	<i>Attorneys for Defendant-Intervenor</i>
Bradley S. Phillips Elisabeth J. Neubauer Grant A. Davis-Denny Munger, Tolles & Olson LLP 355 S. Grand Ave. Thirty-Fifth Floor Los Angeles, CA 90071 Telephone: (213) 683-9100 Facsimile: (213) 687-3702 <u>Brad.phillips@mto.com</u> <u>Elisabeth.neubauer@mto.com</u> <u>Grant.davis-denny@mto.com</u>	Timothy M. Hogan Arizona Center for Law in the Pub. Int. 202 E. McDowell Rd Phoenix, AZ 85004 Telephone: (602) 258-8850 Facsimile: (602) 258-8757 <u>Thogan@aclpi.org</u>  Monica Youn Brennan Center for Justice 161 Ave. of the Americas, 5th Fl. New York, NY 10013 Telephone: (212) 992-8158 Facsimile: (212) 995-4550 <u>Monica.youn@nyu.edu</u>

I, Nicholas C. Dranias, declare under penalty of perjury under 28 U.S.C. § 1746(2), the laws of the United States and of the State of Arizona, that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed this 27<sup>th</sup> day of May, 2010.




---



AKIN GUMP  
STRAUSS HAUER & FELD LLP

Attorneys at Law

JOHN M. DOWD  
202.887.4386/fax: 202.887.4288  
jdowd@akingump.com

May 26, 2010

**OVERNIGHT DELIVERY**

Molly C. Dwyer  
Clerk of Court  
United States Court of Appeals for the Ninth Circuit  
P.O. Box 193939  
San Francisco, CA 94119-3939

Re: McComish v. Bennett, No. 10-15165: Request for Correction

Dear Ms. Dwyer:

I am writing on behalf of former Arizona Governor J. Fife Symington III to inform the Court of several erroneous statements in a recent Court opinion, *McComish v. Bennett*, No. 10-15615 (May 21, 2010), that inaccurately and wrongly tarnish the career and reputation of Governor Symington in a case to which he is not even a party. We respectfully request that copies of this letter be provided to the panel of Judges Kleinfeld, Tashima, and Thomas and further request that the panel de-publish the opinion and issue a new, corrected opinion for publication that deletes the erroneous statements about Governor Symington.

More specifically, on page 7326 of its slip opinion in *McComish v. Bennett*, No. 10-15615 (May 21, 2010), the panel majority referred to an earlier prosecution of Governor Symington in a manner that seriously misstated the facts of that prosecution. First, in the course of discussing the historical context for the Arizona campaign finance law being challenged by the *McComish* plaintiffs, the Court stated in footnote 1 of the opinion that Governor Symington served “two and one-half years in prison” before the reversal of his conviction. Slip op. 7326 n.1. That is incorrect. Governor Symington served no time in prison. He was granted bail pending his successful appeal. See Order Granting Mot. for Bail Pending Appeal, *United States v. Symington*, No. 98-10071, Dkt. No. 6 (9th Cir. Mar. 26, 1998) (relevant docket pages for all references attached).

Second, the opinion states that the Governor received a pardon “just as his retrial was set to commence.” Slip op. 7326 n.1. That too is incorrect. As the district court’s docket sheet establishes (No. 96-CR-00250 (D. Ariz.)), the case against the Governor was terminated before any trial date was set and while the parties were still engaged in status conferences.

Third, the opinion refers to the Governor’s indictment on twenty-three counts and emphasizes in particular one count of extortion. But the opinion’s citation of that count is

AKIN GUMP  
STRAUSS HAUER & FELD LLP

Attorneys at Law

Molly C. Dwyer  
May 26, 2010  
Page 2

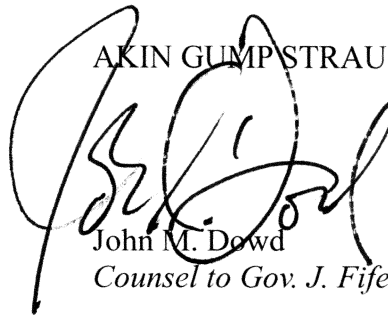
erroneous because the Governor was acquitted by a jury of that count. *See* Jury Verdict, *United States v. Symington*, No. 96-CR-00250, Dkt. No. 386 (D. Ariz. Sept. 3, 1997) (acquitting the Governor of extortion, count 22 of the superseding indictment).

Fourth, the reference to “seven counts of filing false financial statements” is also misplaced because (i) those counts pertained to conduct that occurred *prior to* Governor Symington’s time in office and thus are irrelevant to the public corruption issue before the Court in the *McComish* case, and (ii) every one of those counts was reversed by this Court on appeal. *United States v. Symington*, 195 F.3d 1080 (9th Cir. 1999).

In short, after nearly five years of litigation, Governor Symington was fully vindicated of the criminal charges issued against him. The references in the opinion, however, erroneously indicate to the public that he served prison time for a conviction that was ultimately reversed by the Court. These references are injurious to the Governor and his reputation. Because those comments were not necessary to the Court’s decision in the case and because they are contrary to circuit precedent granting Governor Symington bail and ultimately acquitting him, we respectfully request that the Court de-publish the current opinion and reissue it without the language discussing Governor Symington’s failed criminal prosecution.

Respectfully submitted,

AKIN GUMP STRAUSS HAUER & FELD



John M. Dowd

Counsel to Gov. J. Fife Symington III

Enclosures

cc: Hon. J. Fife Symington III  
Nicholas C. Dranias  
William R. Maurer  
Mary R. O’Gracy  
Bradley S. Phillips  
Stephen M. Hoersting

Order Granting Motion for Bail  
Pending Appeal, No. 98-10071  
(Docket No. 6)

- 02/24/1998 ☐ 1 DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. Filed in D.C. on ; setting cross appeal briefing schedule as follows: first cross-appeal brief due 5/12/98 for John Fife Symington second cross-appeal brief due 6/22/98 for USA third cross-appeal brief due 7/22/98 for John Fife Symington optional cross-appeal reply brief due 8/5/98 for USA ( RT required: yes) ( Sentence imp 33 months) [98-10071, 98-10070] (RR)
- 03/13/1998 ☐ 2 Filed Appellant John Fife Symington motion for bail pending appeal. (MOATT) [98-10070, 98-10071] served on 3/12/98 [98-10070, 98-10071] (SW)
- 03/13/1998 ☐ 3 Filed order MOATT (MD) The court rec'd John Fife Symington's motion for bail pending appeal on 3/13/98. Pursuant to Cir. R. 9-1.1(b), the Gov's response is due on or before 3/20/98. Upon receipt of the Gov's opposition, this matter will be referred to next available motions panel for disposition. Because Symington was on bail at the time he filed the bail motion, his bail shall remain in effect until the court rules on the motion. (FAXED BY MOATT) [98-10070, 98-10071] (RG)
- 03/18/1998 ☐ 4 Received copy of District Court order filed on 3/10/98 re: denial of motion for bail. [98-10070, 98-10071] (SW)
- 03/20/1998 ☐ 5 Filed USA opposition to defendant motion for bail pending appeal; memorandum of points and authorities; served on 3/19/98 (MOATT) [98-10070, 98-10071] (SW)
- 03/24/1998 ☐ 7 Filed Appellant John Fife Symington reply to response to appellant's motion for bail pending appeal; served on 3/23/98 (MOATT) [98-10070, 98-10071] (SW)
- 03/26/1998 ☐ 6 Filed order ( Betty B. FLETCHER, Robert R. BEEZER, Edward LEAVY): We grant defendant's motion for bail pending appeal. The government concedes that all criteria for bail pending appeal have been met, except the requirement that a substantial question be raised on appeal that if resolved in defendant's favor would result in reversal or order for a new trial. We find that the appeal raises a "substantial question" that is fairly debatable," and that if resolved in defendant's favor, would result in an order for a new trial. We remand to the dc for the limited purpose of imposing appropriate conditions of continued release. The briefing schedule established previously shall remain in effect. [98-10070, 98-10071] (SW)
- 04/01/1998 ☐ 8 Filed certificate of record on appeal RT filed in DC 10/17/96 [98-10071] (SW)
- 05/12/1998 ☐ 9 Received Appellant John Fife Symington in 98-10070's brief in 15 copies 79 pages (Informal: no) deficient brief is oversized: Served on 5/11/98 [98-10070, 98-10071, 98-10143] (SW)
- 05/12/1998 ☐ 37 Received original and 15 copies John Fife Symington 1st cross-appeal brief, (Informal: no) of 79 pages, with 5 excerpts of record in 2 vol. served on 5/11/98 deficient: brief is oversized: [98-10070, 98-10071, 98-10143] (SW)
- 05/13/1998 ☐ 10 Filed Appellant John Fife Symington motion to exceed brief length. (WIP PER PROMO) [98-10070, 98-10071, 98-10143] served on 5/11/98 [98-10070, 98-10071, 98-10143] (SW)
- 06/01/1998 ☐ 11 Filed PROMO order (Appellate Commissioner) Aplt's motion for leave to exceed page limit is granted. The opening brief received by this court May 12, 1998, shall be filed by the clerk. The court grants aple leave to file an oversize answering brief of no more than 21,739 words. The second cross-appeal brief is now due June 26, 1998. The third cross-appeal brief is due July 27, 1998 and the optional reply brief is due 14 days from service of the third cross-appeal brief. [98-10070, 98-10071, 98-

Acquittal of Extortion in  
96-CR-00250  
(Docket No. 386)

		Symington (1) count(s) 4s, 20s , 22s . Jury verdict of not guilty , mistrial declared by Judge Roger G. Strand as to John Fife Symington III on count(s) 1s-3s, 5s-8s, 17s-19s, 23s , ; sentencing set for 1:30 11/10/97 for John Fife Symington III ct releases jury from admonishments [cc: pts/prob] [385-6] (former emp) (Entered: 09/04/1997)
09/03/1997	386	JURY verdict of guilty as to John Fife Symington (1) count(s) 13s-16s, 21s, 10s-11s; jury verdict of not guilty count(s) 4s, 20s, 22s; deadlocked count(s) 1s-3s, 5s-8s, 17s-19s, 23s (former emp) (Entered: 09/04/1997)
09/04/1997	387	MOTION to extend time to file post-verdict mtns [387-1] by John Fife Symington III (former emp) (Entered: 09/04/1997)
09/04/1997	388	2nd SUPPLEMENTAL REQUEST by Phoenix Newspspers, Inc as to John Fife Symington III in support of motion for access to proceedings [372-1] by Phoenix Newspapers, Inc (former emp) (Entered: 09/04/1997)
09/05/1997	389	ORDER by Judge Roger G. Strand denying motion for release of transcripts of non-security related portions of 8/22/97 hrgs [378-1] by KTVK-3TV and KPHO-TV as to John Fife Symington III, denying motion for expedited oral argument by KTVK-3TV and KPHO-TV [378-2], denying motion for access to 8/22/97 hrgs, including permission to appear at hrgs and review transcripts of in-camera proceedings [374-1] by KTVK-3TV and KPHO-TV, denying motion for expedited oral argument [374-2] by KTVK-3TV and KPHO-TV as to John Fife Symington III, denying motion for access to proceedings [372-1] by Phoenix Newspapers, Inc, denying motion for expedited hrg [372-2] by Phoenix Newspapers, Inc as to John Fife Symington III denying 2nd suppl req in support of mtn of Phx Newspapers Inc for access to proceedings (former emp) (Entered: 09/05/1997)
09/05/1997	390	MINUTE ORDER that probation dept of the ct prepare a presentence rpt for ct; FO that dft Symington make arrangements to meet w/PO to assist in the preparation of a presentence rpt [390-1] re: order [390-1] (former emp) (Entered: 09/05/1997)
09/05/1997	391	MINUTE ORDER granting motion to extend time to file post-verdict mtns [387-1] by John Fife Symington III until 10/3/97 [391-1] (former emp) (Entered: 09/05/1997)
09/09/1997	392	JURY list as to John Fife Symington III (former emp) (Entered: 09/10/1997)
09/09/1997	393	WITNESS list as to dft John Fife Symington III, pla USA (former emp) (Entered: 09/10/1997)
09/09/1997	394	EXHIBITS list of John Fife Symington III, USA (former emp) (Entered: 09/10/1997)
09/15/1997	395	JUDGMENT OF DISCHARGE by Judge Roger G. Strand for John Fife Symington III; jy has returned verdict finding dft not guilty to cnts 4, 20 and 22 of superseding indictment; dft is hereby discharged purs to R32(b) FRCrP re: judgment [395-1] (former emp) (Entered: 09/15/1997)
09/24/1997	396	MOTION (stipulation & application) to continue filing dates for post trial mtns [396-1] by USA, dft John Fife Symington III , to continue sentencing

Docket Entries in 96-CR-00250  
Regarding Post-Reversal Status  
Conferences

		passport (CMM) (Entered: 12/23/1998)
01/05/1999	570	NOTICE by dft John Fife Symington III of deliverance of passport (former emp) (Entered: 01/05/1999)
07/27/1999	571	MOTION unopposed for return of passport and memo [571-1] by John Fife Symington III (former emp) (Entered: 07/27/1999)
07/30/1999	572	MOTION to withdraw previously filed motion for return of passport [572-1] by John Fife Symington III (REW) (Entered: 08/02/1999)
08/12/1999	573	MINUTE ORDER granting motion for return of passport and memo [571-1] by John Fife Symington III, dft may pick up his passport at the office of the clerk; finding the motion to withdraw previously filed motion for return of passport [572-1] by John Fife Symington III moot., returning appeal to Ninth Circuit, re: appeals [554-1], [545-1], [537-1] (cc: 9CCA) [573-1] (REW) (Entered: 08/12/1999)
08/13/1999	574	Copy of 9CCA Order as to John Fife Symington III; remand appeal to district court for limited purpose of considering Symington's motion for return of passport, re: 98-10070, 98-10071 and 98-10143 (cc: RGS) (REW) Modified on 08/16/1999 (Entered: 08/16/1999)
08/16/1999	575	NOTICE of deliverance of passport to dft John Fife Symington III (REW) (Entered: 08/17/1999)
04/11/2000	576	CERTIFIED COPY of 9CCA Mandate as to John Fife Symington III; reversing the decision of the District Court and vacating dft's sentence; we hold that Juror Cotey's dismissal was improper; accordingly, we reverse Symington's conviction and vacate his sentence; we affirm the district court on the other issues reached herein; counts 13-15 may be among the counts on which Symington is retried; count 11 may not; the mistried counts were properly dismissed without prejudice for violation of the Speedy Trial Act, re: appeals [554-1], [545-1], [537-1] (cc: RGS/pts/prob/USM/USAO/dfns) (REW) (Entered: 04/18/2000)
04/18/2000		REMARK; request sent for file to be returned from the Ninth Circuit (REW) (Entered: 04/18/2000)
04/20/2000	577	MINUTE ORDER ; status hearing set for 9:00 4/25/00 for John Fife Symington III cnsl may appear by telephone [577-2] (former emp) (Entered: 04/20/2000)
04/25/2000	578	( FILED: 4/26/00) MINUTES: before Judge Roger G. Strand Ct Rptr: Marilyn Sanchez Crt recuses self and case reassigned to Judge Paul G. Rosenblatt , ; status hrg held; trial set on cts 10, 13-16, 21; gov has 60 days to re-indict 11 cts that were dismiss w/o prej ; trial set for 9:30 6/14/00 for John Fife Symington III [cc: all cnsl] [578-3] (former emp) (Entered: 04/27/2000)
05/02/2000	579	MOTION (stipulation) for order re excludable time [579-1] by USA, John Fife Symington III , to vacate trial date [579-2] by USA, John Fife Symington III , to schedule status conf [579-3] by USA, John Fife Symington III (former emp) (Entered: 05/03/2000)



05/05/2000	580	ORDER by Judge Paul G. Rosenblatt granting motion for order re excludable time [579-1] by USA, John Fife Symington III, granting motion to vacate trial date [579-2] by USA, John Fife Symington III, granting motion to schedule status conf [579-3] by USA, John Fife Symington III excludable delay int of justice started , ; 6/14/00 trial vacated; status hearing set for 9:00 8/1/00 for John Fife Symington III (former emp) (Entered: 05/05/2000)
05/25/2000		Original Record received from 9CCA as to John Fife Symington III re, [554-1], [545-1], [537-1] 12 volumes orig file; 21 bulkie documents (#190, 488, 501, 513, and 235-250 + 260 bound as one); 79 transcripts (#64, 118, 119, 209, 404-471, 476, 523, 539, 540, 541, 552, 568) in three expandos (total of 6 boxes) and other documents (REW) Modified on 06/16/2000 (Entered: 05/25/2000)
06/09/2000	581	REMARK (RETURNED MAIL) addressed to Melissa H. McNiven attorney for John Fife Symington III; doc. #580 returned to sender; Returned to Sender - Attempted Not Known (KMG) (Entered: 06/12/2000)
07/13/2000	582	MINUTE ORDER ; status hearing reset for 2:30 7/31/00 for John Fife Symington III [582-2] (former emp) (Entered: 07/13/2000)
07/27/2000	583	MOTION (stipulation) re excludable time and req for status conf [583-1] by USA, John Fife Symington III (former emp) (Entered: 07/28/2000)
07/31/2000	584	( FILED: 7/31/00) MINUTES: before Judge Paul G. Rosenblatt Ct Rptr: Bill McNutt ;telephonic status hrg held re scheduling; pty req addtl 30 days, granted; status hearing set for 9:00 9/29/00 for John Fife Symington III [584-2] (former emp) (Entered: 08/02/2000)
07/31/2000	585	ORDER by Judge Paul G. Rosenblatt setting conditions of release; Bond set to OR for John Fife Symington. (former emp) (Entered: 08/02/2000)
08/02/2000	586	FINDINGS OF FACT and ORDER by Judge Paul G. Rosenblatt re excludable time, vacation of trial date and scheduling of status conf; this is a complex case excludable delay int of justice started , status hearing set for 9:00 9/29/00 for John Fife Symington III (former emp) (Entered: 08/02/2000)
08/08/2000	587	NOTICE by dft John Fife Symington III of current cnsl being John Dowd and Terrence Lynam (former emp) (Entered: 08/08/2000)
09/19/2000	588	AFFIDAVIT of Deborah Vasquez as to John Fife Symington III (former emp) (Entered: 09/20/2000)
09/22/2000	589	MOTION (stipulation) re excludable time and req for status conf [589-1] by John Fife Symington III, USA (former emp) (Entered: 09/25/2000)
09/29/2000	590	ORDER by Judge Paul G. Rosenblatt granting motion re excludable time and req for status conf [589-1] by John Fife Symington III, USA, granting motion re excludable time and req for status conf [583-1] by USA, John Fife Symington III excludable delay complex case/time to prepare/int of justice started , status hearing via telephone set for 11:30 11/6/00 for John Fife Symington III (former emp) (Entered: 09/29/2000)
10/18/2000	591	NOTICE of substitution of attorney for USA , Michael W Emmick, Jeffrey M

		Rawitz; terminating attorney David J Schindler for USA, attorney Jeffrey B Isaacs for USA, attorney George S Cardona for USA (former emp) (Entered: 10/18/2000)
11/06/2000	592	MOTION stipulation re excludable time and req for status conference [592-1] by John Fife Symington III, USA (former emp) (Entered: 11/07/2000)
11/09/2000	593	ORDER by Judge Paul G. Rosenblatt granting motion stipulation re excludable time and req for status conference [592-1] by John Fife Symington III, USA status hearing via telephone set for 11:30 12/18/00 for John Fife Symington III , excludable delay int of justice started (former emp) (Entered: 11/09/2000)
12/06/2000	594	ORDER by Judge Paul G. Rosenblatt re exhibits as to John Fife Symington re: order [594-1] (former emp) (Entered: 12/06/2000)
12/14/2000	595	MOTION (stipulation) re excludable time and req for status conference [595-1] by John Fife Symington III, USA (former emp) (Entered: 12/15/2000)
12/15/2000	596	ORDER by Judge Paul G. Rosenblatt granting motion re excludable time and req for status conference [595-1] by John Fife Symington III, USA excludable delay int of justice started excludable delay is found to commence 12/31/00 and cont to and incl 1/3/01, status hearing via telephone set for 4:00 1/30/01 for John Fife Symington III (former emp) (Entered: 12/15/2000)
02/26/2001	597	UNOPPOSED ORDER OF DISMISSAL by Judge Paul G. Rosenblatt dismissing defendant John Fife Symington (1) count(s) 10s, 13s -16s , 21s . As to cnts 10s, 13s-16s, 21s CBOP for THIRTY (30) MOS as to ea cnt to run CONCURRENT followed by supervised release of FIVE (5) YRS as to cnts 10s, 13s-16s and THREE (3) YRS as to cnt 21s to run CONCURRENT; FINE: \$60,000; Restitution: to union pension funds and pay costs of confinement; 500 hrs community svc; S/A: \$300; 2/26/01: UNOPPOSED ORD of DISMISSAL W/PREJ further ORD Cts 1-3,5-8,17-19,23 which were previously dism w/o prej are hereby deemed dismissed w/prej and further ORD that indictment dated 6/13/96 is hereby dismissed w/prej, Case closed (former emp) (Entered: 02/26/2001)

PACER Service Center			
Transaction Receipt			
05/24/2010 08:29:02			
PACER Login:	ak0004	Client Code:	400203.1003
Description:	Docket Report	Search Criteria:	2:96-cr-00250-PGR
Billable Pages:	30	Cost:	2.40