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9 *Attorneys for Plaintiff*

10
11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 ADAM VICTOR, individually and on
15 behalf of all others similarly situated,

16 Plaintiff,

17 v.

18 R.C. BIGELOW, INC.,

19 Defendant.

Case No. CV-13-02976-WHO

**PLAINTIFF'S NOTICE OF APPEAL
WITH NINTH CIRCUIT RULE 3-2
REPRESENTATION STATEMENT**

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1 Notice is hereby given that Plaintiff Adam Victor, individually and on behalf of all others
2 similarly situated, appeals to the United States Court of Appeals for the Ninth Circuit from the
3 Amended Final Judgment entered on August 29, 2016 (Dkt. 106). In appealing from the Final
4 Judgment, Plaintiff appeals from any and all orders antecedent and ancillary thereto, including any
5 and all interlocutory judgments, decrees, decisions, rulings, verdicts, and opinions that merged into
6 and became part of the Final Judgment, that shaped the Final Judgment, that are related to the Final
7 Judgment, and upon which the Final Judgment is based. As such, this appeal will include, but not
8 be limited to, the following orders:
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- 10 (1) March 14, 2014 Order on Motion to Dismiss (Dkt. 28);
- 11 (2) July 18, 2014 Order on Motion to Dismiss (Dkt. 41);
- 12 (3) March 29, 2016 Order on Motion to Certify Class (Dkt. 85);
- 13 (4) August 29, 2016 Order Dismissing Case (Dkt. 104);

14 Dated: September 12, 2016

15 RESPECTFULLY SUBMITTED:

16 Pierce Gore
17 Pierce Gore (SBN 128515)
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RULE 3-2 REPRESENTATION STATEMENT

1. Plaintiff-Appellant Adam Victor is represented by the following:

Pierce Gore (SBN 128515)
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2. Defendant R.C. Bigelow, Inc. is represented by the following:

M.D. Scully (SBN 135853)
Timothy K. Branson (SBN 96105)
Joni B. Flaherty (SBN 272690)
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Dated: September 12, 2016.

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been filed via the Court’s electronic filing system on this the 12th day of September, 2016, and has been served upon all counsel of record by the Court’s electronic filing system.

s/ Pierce Gore



Office of the Clerk
United States Court of Appeals for the Ninth Circuit
Post Office Box 193939
San Francisco, California 94119-3939
415-355-8000

Molly C. Dwyer
Clerk of Court

September 16, 2016

No.: 16-16639
D.C. No.: 3:13-cv-02976-WHO
Short Title: Adam Victor v. R.C. Bigelow, Inc.

Dear Appellant/Counsel

A copy of your notice of appeal/petition has been received in the Clerk's office of the United States Court of Appeals for the Ninth Circuit. The U.S. Court of Appeals docket number shown above has been assigned to this case. You must indicate this Court of Appeals docket number whenever you communicate with this court regarding this case.

Please furnish this docket number immediately to the court reporter if you place an order, or have placed an order, for portions of the trial transcripts. The court reporter will need this docket number when communicating with this court.

The due dates for filing the parties' briefs and otherwise perfecting the appeal have been set by the enclosed "Time Schedule Order," pursuant to applicable FRAP rules. These dates can be extended only by court order. Failure of the appellant to comply with the time schedule order will result in automatic dismissal of the appeal. 9th Cir. R. 42-1.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

SEP 16 2016

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ADAM VICTOR, individually and on
behalf of all others similarly situated,

Plaintiff - Appellant,

v.

R.C. BIGELOW, INC.,

Defendant - Appellee.

No. 16-16639

D.C. No. 3:13-cv-02976-WHO
U.S. District Court for Northern
California, San Francisco

TIME SCHEDULE ORDER

The parties shall meet the following time schedule.

If there were reported hearings, the parties shall designate and, if necessary, cross-designate the transcripts pursuant to 9th Cir. R. 10-3.1. If there were no reported hearings, the transcript deadlines do not apply.

- Fri., September 23, 2016** Mediation Questionnaire due. If your registration for Appellate ECF is confirmed after this date, the Mediation Questionnaire is due within one day of receiving the email from PACER confirming your registration.
- Mon., October 17, 2016** Transcript shall be ordered.
- Tue., November 15, 2016** Transcript shall be filed by court reporter.
- Tue., December 27, 2016** Appellant's opening brief and excerpts of record shall be served and filed pursuant to FRAP 32 and 9th Cir. R. 32-1.

Fri., January 27, 2017 Appellee's answering brief and excerpts of record shall be served and filed pursuant to FRAP 32 and 9th Cir. R. 32-1.

The optional appellant's reply brief shall be filed and served within fourteen days of service of the appellee's brief, pursuant to FRAP 32 and 9th Cir. R. 32-1.

Failure of the appellant to comply with the Time Schedule Order will result in automatic dismissal of the appeal. See 9th Cir. R. 42-1.

FOR THE COURT:
Molly C. Dwyer
Clerk of Court

Ruben Talavera
Deputy Clerk