

General Docket
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 08-56403		Docketed: 08/26/2008		
In re: Paul Hupp v. Educational Credit Management		Termed: 06/07/2010		
Appeal From: U.S. District Court for Southern California, San Diego				
Fee Status: IFP				
Case Type Information:				
1) bkd				
2) other				
3) null				
Originating Court Information:				
District: 0974-3 : 3:08-cv-00414-H-RBB				
Trial Judge: Marilyn L. Huff, District Judge				
Date Filed: 03/03/2008				
Date Order/Judgment:	Date NOA Filed:	Date Rec'd COA:		
08/15/2008	08/18/2008	08/22/2008		
Prior Cases:				
07-55743				
Date Filed: 06/05/2007	Date Disposed: 10/01/2007	Disposition: Rule 42-1 Dismissal - Staff Atty Order		
Current Cases:				
	Lead	Member	Start	End
-	10-55526	10-56116	07/14/2010	
	10-56090	10-56116	07/14/2010	
Related	07-55743	07-55977	07/12/2007	
	07-55977	08-56403	08/26/2008	
	07-55977	09-55286	02/26/2009	
	08-56403	09-55286	02/26/2009	
	08-56403	09-55808	05/28/2009	
	08-56403	09-56443	09/09/2009	
	08-56403	10-55526	04/09/2010	
	09-55286	09-55808	05/28/2009	

In the Matter of: PAUL HUPP Debtor,		

PAUL HUPP Appellant,		Paul Hupp Direct: 951-769-1268 [NTC Pro Se] 965 Hidden Oaks Dr. Beaumont, CA 92223
v.		
EDUCATIONAL CREDIT MANAGEMENT CORPORATION Appellee,		Timothy Patrick Burke Direct: 626-799-8902 [COR LD NTC Retained] TIMOTHY P. BURKE & ASSOCIATES Suite 108 1136 Fremont Avenue South Pasadena, CA 91030
UNITED STATES OF AMERICA Intervenor - Appellee,		William Kanter, Esquire Direct: 202-514-4575 [COR NTC Government] U.S. Department of Justice Civil Division - Appellate 7517 950 Pennsylvania Avenue, N.W. Washington, DC 20530
		Peter Rolf Maier, Trial Attorney Direct: 202-514-3585 [COR NTC Government]

U.S. Department of Justice
Civil Division - Appellate
Rm. 7264
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

In the Matter of: PAUL HUPP,

Debtor,

PAUL HUPP,

Appellant,

v.



EDUCATIONAL CREDIT MANAGEMENT CORPORATION,

Appellee,

UNITED STATES OF AMERICA,

Intervenor - Appellee.

08/26/2008	<input type="checkbox"/> 1 12 pg, 380.92 KB	DOCKETED CAUSE AND ENTERED APPEARANCES OF APPELLANT IN PRO SE AND COUNSEL FOR APPELLEE. SEND CADS: No. The schedule is set as follows: Designation of RT for Appellant Paul Hupp due 08/28/2008. Designation of RT for Appellee Educational Credit Management Corporation due 09/08/2008. Transcript order for Appellant Paul Hupp due 09/17/2008. Certificate of record due 12/16/2008. Appellant Paul Hupp opening brief due 02/02/2009. Appellee Educational Credit Management Corporation answering brief due 03/13/2009. Appellant's optional reply brief is due 14 days after service of the answering brief. (JN)
08/26/2008	<input type="checkbox"/> 2	Received copy of Appellant's designation of record on appeal. (JN)
08/26/2008	<input type="checkbox"/> 3	Filed Appellant Paul Hupp statement of issues on appeal. Served on 08/15/2008. (CASEFILE) (JN)
09/08/2008	<input type="checkbox"/> 4	Filed Appellant Paul Hupp's request for leave to file 40 page opening brief not to exceed 28,000 words and request for oral argument. Served on 09/03/2008. (EL)
09/08/2008	<input type="checkbox"/> 5	Received Appellant Paul Hupp's amended designation of record. (EL)
09/08/2008	<input type="checkbox"/> 6	Filed Appellant Paul Hupp's ex parte request for fee waiver for production of transcripts. Served on 09/03/2008. (EL)
10/16/2008	<input type="checkbox"/> 7	Received Appellant Paul Hupp addendum request to file oversized brief. served on 10/14/2008 (JFF)
10/17/2008	<input type="checkbox"/> 8	Received original and 15 copies of Appellant Paul Hupp opening brief (Informal: No) 41 pages. Excerpts of record in volumes. Served on 10/15/2008. Deficiency: Motion to file oversized pending. (WP)
11/03/2008	<input type="checkbox"/> 9	Filed Appellant Paul Hupp's submission of newly discovered evidence; motion to sanction Educational Credit for intentionally obstructing justice and the judicial process etc. Served on 11/03/2008. (EL)
11/04/2008	<input type="checkbox"/> 10 2 pg, 33.32 KB	Filed order (STEPHEN S. TROTT and RONALD M. GOULD): The motion for production of transcripts at government expense is denied without prejudice to renewal, accompanied by a showing as to what issue (s) will be raised on appeal and which portions of the transcript are necessary to decide the issue(s) presented. Appellant's motion to file an oversized opening brief is denied without prejudice to renewal upon filing of the oversized brief. Appellant's request for oral argument is referred to the panel assigned to hear the merits of this appeal. In the absence of a renewed motion for transcripts at government expense, the opening brief remains due February 2, 2009; the answering brief remains due March 13, 2009; and the optional reply brief is due within 14 days after service of the answering brief. Because appellant is proceeding without counsel, the excerpts of record requirement is waived. (AF)
11/10/2008	<input type="checkbox"/> 11	ENTRY UPDATED. Filed Appellant Paul Hupp's second amended request for leave to file 41 page opening brief not to exceed 16,000 words. Served on 11/08/2008. (EL)
11/10/2008	<input type="checkbox"/> 12	Filed Appellant Paul Hupp's ex parte request for fee waiver for production of transcripts. Served on 11/08/2008. (EL)
11/12/2008	<input type="checkbox"/> 13	Filed certificate of record on appeal. RT filed in DC None requested. (BG)
11/21/2008	<input type="checkbox"/> 14	Received Appellant Paul Hupp's notice of statute change in opening brief. (casefile) (EL)
02/11/2009	<input type="checkbox"/> 15 3 pg, 125.89 KB	Received Appellant Paul Hupp notice regarding pending conspiracy litigation against defendant educational credit management corporation. (NEW)
02/25/2009	<input type="checkbox"/> 16 3 pg, 32.98 KB	Filed order (ALEX KOZINSKI and MICHAEL DALY HAWKINS): On November 3, 2008, this court denied appellant's first motion for production of transcripts at government expense without prejudice to renewal....The court is accordingly unable to determine the dates for which appellant seeks to obtain transcripts at government expense. Accordingly, the motion for production of transcripts at government expense is granted in part. A copy of this order constitutes authorization for production of the reporter's transcript(s) for January 17, 2008 at government expense. The transcript is due March 30, 2009. Appellant's motion for permission to file an oversized brief is granted. The Clerk shall file the brief received October 17, 2008. The answering brief is due April 30, 2009; and the optional reply brief is due within 14 days after service of the answering brief. The Clerk shall serve a copy of this order on court reporter Trish Callihan and court reporter supervisor Noemy Pellegrino. Appellant's "submission of newly discovered evidence" and motion for sanctions, filed November 3, 2008, is referred to the panel assigned to hear the merits of this appeal. (AF)
02/25/2009	<input type="checkbox"/> 17	A copy of 2/25/09 order to court reporter Trish Callihan and court reporter supervisor Noemy Pellegrino. (AF)
02/25/2009	<input type="checkbox"/> 18	Filed original and 7 copies of Appellant Paul Hupp (Informal: No) opening brief of 41 pages. Served on 10/15/2008. (WP)
03/02/2009	<input type="checkbox"/> 19 2 pg, 93.76 KB	Filed Appellant Paul Hupp's second amended ex parte request for fee waiver for production of transcripts. (EL)
03/02/2009	<input type="checkbox"/> 20 2 pg, 38.68 KB	Received Attorney Mr. Christopher Charles Fonzone for Appellee USA letter dated 02/26/2009 re: entering appearance. Served on 02/26/2009 (EL)
03/05/2009	<input type="checkbox"/> 21	Added attorney William Kanter for USA, in case 08-56403. (EL)

03/16/2009	<input type="checkbox"/> 22 4 pg, 144.48 KB	Filed Appellant Paul Hupp's motion to strike bankruptcy court's 2/18/09 "judgment" and for an order enjoining the bankruptcy court from entering any further actions in this case. Served on 03/12/2009. (EL)
03/26/2009	<input type="checkbox"/> 23 6 pg, 203.98 KB	Filed Appellant Paul Hupp motion to enjoin defendant educational Credit Management Corp from any collection action until all appeals have been exhausted. Served on 03/24/2009. (EL)
04/08/2009	<input type="checkbox"/> 24 4 pg, 179.15 KB	Filed Appellant Paul Hupp's motion to expedite oral argument/hearing date. Served on 04/08/2009. (EL)
04/08/2009	<input type="checkbox"/> 25 6 pg, 272.22 KB	Filed Appellee Educational Credit Management Corporation's opposition to appellant's motion to enjoin from any collection action until all appeals have been exhausted. Served on 04/06/2009. (EL)
04/10/2009	<input type="checkbox"/> 26 4 pg, 146.86 KB	Filed Appellant Paul Hupp's request to strike defendant Educational Credit Management Corp's opposition to plaintiff's motion to enjoin collection actions until all appeals exhausted as untimely. Served on 04/07/2009. (EL)
04/30/2009	<input type="checkbox"/> 27 42 pg, 253.5 KB	Submitted (ECF) Answering brief for review. Submitted by Appellee Educational Credit Management Corporation. Date of service: 04/30/2009. [6902445] (TPB)
04/30/2009	<input type="checkbox"/> 28 80 pg, 494.15 KB	Submitted (ECF) Answering brief for review. Submitted by Appellee USA. Date of service: 04/30/2009. [6903458] (CCF)
04/30/2009	<input type="checkbox"/> 30	Filed Appellee Educational Credit Management Corporation excerpts of record in 1 volume. Served on 04/29/2009 (WP)
05/01/2009	<input type="checkbox"/>  2 pg, 27.8 KB	Filed clerk order: Answering Brief [27] filed by Educational Credit Management Corporation. Within 5 working days of the filing of this order, filer is ordered to file 10 copies of the brief in paper format, with a Red cover, accompanied by certification that the brief is identical to the version submitted electronically. (WP)
05/01/2009	<input type="checkbox"/>  2 pg, 27.8 KB	Filed clerk order: Answering Brief [28] filed by USA. Within 5 working days of the filing of this order, filer is ordered to file 10 copies of the brief in paper format, with a Red cover, accompanied by certification that the brief is identical to the version submitted electronically. (WP)
05/04/2009	<input type="checkbox"/> 29 3 pg, 113.4 KB	Filed Appellant Paul Hupp's amended/supplemental motion to enjoin defendant from any collection action until all appeals have been exhausted. Served on 05/01/2009. [6908053] (EL)
05/04/2009	<input type="checkbox"/> 31	Received 10 paper copies of Answering brief [28] filed by USA in 08-56403. One copy to Case Files, the remainder to Records. (SD)
05/06/2009	<input type="checkbox"/> 32	Received 10 paper copies of Answering brief [27] filed by Educational Credit Management Corporation in 08-56403. One copy to Case Files, the remainder to Records. (SD)
05/14/2009	<input type="checkbox"/> 33 29 pg, 2.17 MB	Filed original and 7 copies of Appellant Paul Hupp (Informal: No) reply brief of 20 pages. Served on 05/13/2009. (WP)
05/14/2009	<input type="checkbox"/> 34 15 pg, 805.28 KB	Filed Appellant Paul Hupp's motion to augment the record. Served on 05/13/2009. [6922533] (EL)
05/14/2009	<input type="checkbox"/> 35 3 pg, 133.1 KB	Filed Appellant Paul Hupp's request for judicial notice to augment the record on appeal. Served on 05/13/2009. (records for merits panel) [6922540] (EL)
05/19/2009	<input type="checkbox"/> 36 72 pg, 4.23 MB	Filed Appellant Paul Hupp's motion to augment the record with just published scholarly article. Served on 05/14/2009. [6925988] (EL)
06/01/2009	<input type="checkbox"/> 37 2 pg, 25.03 KB	Filed order (EDWARD LEAVY and CONSUELO M. CALLAHAN): Appellant's second amended request for the production of transcripts at government expense is denied. Appellant's motion to strike the bankruptcy court's February 18, 2009 judgment and to enjoin the bankruptcy court is denied. Appellant's motions to enjoin collection actions by appellee are denied. Appellant's motion to strike appellee's response to the motion to enjoin is denied. Appellant's motions to augment the record, filed May 14, 2009 and May 19, 2009, and appellant's request for judicial notice, filed May 14, 2009, are referred to the panel assigned to hear the merits of this appeal. Appellant's motion to expedite this appeal is denied. This appeal is ready for calendaring. (AF)
07/09/2009	<input type="checkbox"/> 38 3 pg, 103.43 KB	Filed Appellant Paul Hupp's motion to consolidate to consolidate case no. 08-56403. Served on 07/07/2009. [6987909] [09-55808, 08-56403] (EL)
07/20/2009	<input type="checkbox"/> 39 1 pg, 39.99 KB	Filed appearance notice of Attorney Peter Rolf Maier for Appellee USA, in case 08-56403. Served on 07/17/2009. [6997754] (EL)
07/23/2009	<input type="checkbox"/> 40 4 pg, 34.13 KB	Terminated Christopher Charles Fonzone for USA in 08-56403 [7001585] (PH)
09/28/2009	<input type="checkbox"/> 41 19 pg, 1.08 MB	Filed Appellant Paul Hupp request to augment the record entitled submission of law professor Prado's sworn expert witness testimony etc. [7076979] (EL)
11/02/2009	<input type="checkbox"/> 42 19 pg, 1002.86 KB	Filed Appellant Paul Hupp's request to augment the record entitled "submission of Brett Weiss and Deanne Looning's sworn expert witness testimony. Served on 10/31/2009. [7116021] (EL)

11/06/2009	<input type="checkbox"/> 43 22 pg, 1.58 MB	Filed Appellant Paul Hupp motion to augment the record with expert witness Alan Collinge's submission of new evidence published 11/1/09.. Served on 11/03/2009. [7123305] (CW)
11/17/2009	<input type="checkbox"/> 44 11 pg, 581.7 KB	Filed Appellant Paul Hupp motion to augment the record with expert witnesses Alan Collinge's submission of new evidence published on November 3, 2009.Served on 11/11/2009. [7134125] (MT)
12/09/2009	<input type="checkbox"/> 45 2 pg, 24.55 KB	Filed clerk order (Deputy Clerk:RS): Appellant's motions to augment the record filed on; September 28, 2009, November 2, 2009, November 6, 2009, and November 17, 2009, and any such future request, are referred to the panel that will hear the merits of this appeal for whatever consideration the panel deems appropriate. [7157088] (RS)
01/14/2010	<input type="checkbox"/> 46 7 pg, 375.43 KB	Filed Appellant Paul Hupp's request to augment the record. No service date. (records for merits panel) [7195976] (EL)
02/10/2010	<input type="checkbox"/> 47 2 pg, 56.78 KB	Received Appellant Paul Hupp notice regarding proof of service. [7228991] (MT)
04/22/2010	<input type="checkbox"/> 48 3 pg, 93.01 KB	Filed Appellant Paul Hupp's request for all fees and costs on appeal including attorney fees. Served on 04/17/2010. [7311650] (EL)
04/28/2010	<input type="checkbox"/> 49 3 pg, 43.97 KB	Filed (ECF) Appellee USA response opposing motion (,miscellaneous request). Date of service: 04/28/2010. [7317444] (PRM)
05/13/2010	<input type="checkbox"/> 50 13 pg, 648.12 KB	Filed Appellant Paul Hupp motion to augment the record with expert witness Collinge's submission of new evidence published on 11/29/09. Served on 05/11/2010. [7336480] (EL)
06/07/2010	<input type="checkbox"/> 51 7 pg, 424.7 KB	FILED MEMORANDUM (WILLIAM C. CANBY, SIDNEY R. THOMAS and WILLIAM A. FLETCHER) AFFIRMED. FILED AND ENTERED JUDGMENT. [7362028] (SJ)
06/21/2010	<input type="checkbox"/> 52 9 pg, 407.03 KB	Filed Appellant Paul Hupp's petition for panel rehearing and petition for rehearing en banc Number of Pages 8. Served on 06/17/2010. Deficiency: Decision of 06/07/2010 not attached; no certificate of compliance. (RESEARCH) [7380345] (RR)
08/30/2010	<input type="checkbox"/> 53 1 pg, 26.29 KB	Filed order (WILLIAM C. CANBY, SIDNEY R. THOMAS and WILLIAM A. FLETCHER): Hupp's petition for panel rehearing and petition for rehearing en banc are denied. No further filings will be accepted in this closed case. [7456423] (AF)
09/07/2010	<input type="checkbox"/> 55 2 pg, 7.75 KB	MANDATE ISSUED. (WCC, SRT and WAF) [7464626] (RR)
10/05/2010	<input type="checkbox"/> 56 2 pg, 39.91 KB	Received letter from the Supreme Court dated 09/29/2010 regarding Application No: 10A320 re: the application for an extension of time within which to file a petition for a writ of certiorari has been presented to Justice Kennedy, who on 09/29/10 extended the time to and including 10/12/10.. [7500128] (RR)

Documents and Docket Summary Documents Only Include Page NumbersSelected Pages: Selected Size:

PACER Service Center			
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