

EXHIBIT 3

ACMS Docket Report
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 24-2920**Docketed:** 05/07/2024**Nature of Suit:** 4367 Torts - Personal Injury

Caston, et al. v. Hoffmann-La Roche, Inc., et al.

Appeal From: San Francisco, Northern California**Fee Status:** Paid**Case Type Information:**

- 1) Civil
- 2) Private
- 3)

Originating Court Information:**District:** Northern District of California : [3:23-cv-00928-TLT](#)**Trial Judge:** Trina L. Thompson, District Judge**Date Filed:** 03/01/2023**Date Order/Judgment:**

04/08/2024

Date Order/Judgment EOD:

04/08/2024

Date NOA Filed:

05/07/2024

Date Rec'd COA:

05/07/2024

Prior Cases:**Current Cases:**

ANDREA M. CASTON
 Plaintiff - Appellant

Erica W. Rutner, Attorney
 Direct: 703-506-2050
 Email: e.rutner@mooreandlee.com
 [Retained]
 Moore & Lee, P.C.
 110 SE 6th Street
 Suite 1980
 Fort Lauderdale, FL 33301

RICHARD GITHENS
 Plaintiff - Appellant

Erica W. Rutner, Attorney
 Direct: 703-506-2050
 Email: e.rutner@mooreandlee.com
 [Retained]
 Moore & Lee, P.C.
 110 SE 6th Street
 Suite 1980
 Fort Lauderdale, FL 33301

PATRICK EUGENE WAGHER
 Plaintiff - Appellant

Erica W. Rutner, Attorney
 Direct: 703-506-2050
 Email: e.rutner@mooreandlee.com
 [Retained]
 Moore & Lee, P.C.
 110 SE 6th Street
 Suite 1980
 Fort Lauderdale, FL 33301

KENDRICK ALLEN
 Plaintiff - Appellant

Erica W. Rutner, Attorney
 Direct: 703-506-2050
 Email: e.rutner@mooreandlee.com
 [Retained]
 Moore & Lee, P.C.
 110 SE 6th Street
 Suite 1980
 Fort Lauderdale, FL 33301

HOFFMANN-LA ROCHE, INC.
Defendant - Appellee

Mr. Andrew James Soukup, Attorney
Direct: 202-662-5066
Email: asoukup@cov.com
[Retained]
Covington & Burling, LLP
One CityCenter
850 10th Street, NW
Washington, DC 20001-4956

Mr. Matthew Verdin
Direct: 415-591-7065
Email: mverdin@cov.com
[Retained]
Covington & Burling, LLP
Salesforce Tower
415 Mission Street
Suite 5400
San Francisco, CA 94105-2533

ROCHE LABORATORIES INC.
Defendant - Appellee

Mr. Andrew James Soukup, Attorney
Direct: 202-662-5066
Email: asoukup@cov.com
[Retained]
Covington & Burling, LLP
One CityCenter
850 10th Street, NW
Washington, DC 20001-4956

Mr. Matthew Verdin
Direct: 415-591-7065
Email: mverdin@cov.com
[Retained]
Covington & Burling, LLP
Salesforce Tower
415 Mission Street
Suite 5400
San Francisco, CA 94105-2533

GENENTECH, INC.
Defendant - Appellee

Mr. Andrew James Soukup, Attorney
Direct: 202-662-5066
Email: asoukup@cov.com
[Retained]
Covington & Burling, LLP
One CityCenter
850 10th Street, NW
Washington, DC 20001-4956

Mr. Matthew Verdin
Direct: 415-591-7065
Email: mverdin@cov.com
[Retained]
Covington & Burling, LLP
Salesforce Tower
415 Mission Street
Suite 5400
San Francisco, CA 94105-2533

GENENTECH USA INC
Defendant - Appellee

Mr. Andrew James Soukup, Attorney
Direct: 202-662-5066
Email: asoukup@cov.com
[Retained]
Covington & Burling, LLP
One CityCenter
850 10th Street, NW
Washington, DC 20001-4956

Mr. Matthew Verdin
Direct: 415-591-7065
Email: mverdin@cov.com

[Retained]
Covington & Burling, LLP
Salesforce Tower
415 Mission Street
Suite 5400
San Francisco, CA 94105-2533

ANDREA M. CASTON; RICHARD GITHENS; PATRICK EUGENE WAGHER; KENDRICK ALLEN,

Plaintiffs - Appellants,

v.

HOFFMANN-LA ROCHE, INC.; ROCHE LABORATORIES INC.; GENENTECH, INC.; GENENTECH USA INC,

Defendants - Appellees.

05/07/2024	1	CASE OPENED. A copy of your notice of appeal / petition filed in 3:23-cv-00928-TLT 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 24-2920 has been assigned to this case. All communications with the court must indicate this Court of Appeals docket number. Please carefully review the docket to ensure the name(s) and contact information are correct. It is your responsibility to alert the court if your contact information changes. Resources Available For more information about case processing and to assist you in preparing your brief, please review the Case Opening Information (for attorneys and pro se litigants) and review the Appellate Practice Guide. Counsel should consider contacting the court's Appellate Mentoring Program for help with the brief and argument. [Entered: 05/07/2024 04:31 PM]
05/07/2024	☐ 2 3 pg. 258 KB	SCHEDULE NOTICE. Mediation Questionnaire due (Appellant) 5/13/2024, Appeal Opening Brief (No Transcript Due) (Appellant) 6/17/2024, Appeal Answering Brief (No Transcript Due) (Appellee) 7/17/2024. All briefs shall be served and filed pursuant to FRAP 31 and 9th Cir. R. 31-2.1. Failure of the petitioner(s)/appellant(s) to comply with this briefing schedule will result in automatic dismissal of the appeal. See 9th Cir. R. 42-1. [Entered: 05/07/2024 04:36 PM]
05/16/2024	3	MEDIATION ORDER (text only): Mediation Questionnaire due (Appellant) 5/21/2024. The court of appeals' records do not indicate that appellant has filed a mediation questionnaire in accordance with Cir. R. 3-4. Appellant shall file a Mediation Questionnaire (form07.pdf (uscourts.gov)) or dismiss the appeal voluntarily. Information about the mediation program may be found on the court's website: www.ca9.uscourts.gov/mediation. [Entered: 05/16/2024 12:25 PM]
05/21/2024	☐ 4 2 pg. 2053 KB	MEDIATION QUESTIONNAIRE filed by Appellant Andrea M. Caston, Appellant Richard Githens, Appellant Patrick Eugene Wagher, Appellant Kendrick Allen. To submit pertinent confidential information directly to the Circuit Mediators, please email ca09_mediation@ca9.uscourts.gov and include the case name and number in the subject line. 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. [Entered: 05/21/2024 07:51 AM]
05/28/2024	5	RELEASED FROM MEDIATION (text only). This case is released from the Mediation Program. Counsel are requested to contact the Circuit Mediator should circumstances develop that warrant settlement discussions. [Entered: 05/28/2024 10:24 AM]
05/28/2024	☐ 6 3 pg. 261 KB	SCHEDULE NOTICE. Mediation Questionnaire due (Appellant) 6/3/2024, Cross Appeal First Brief Due 6/17/2024, Cross Appeal Second Brief Due 7/17/2024, Cross Appeal Third Brief Due 8/16/2024. For appeal no. 24-2920, 3:23-cv-00928-TLT. All briefs shall be served and filed pursuant to FRAP 31 and 9th Cir. R. 31-2.1. Failure of the petitioner(s)/appellant(s) to comply with this briefing schedule will result in automatic dismissal of the appeal. See 9th Cir. R. 42-1 [24-3349, 24-2920] [Entered: 05/28/2024 02:50 PM]
05/31/2024	☐ 7 4 pg. 244 KB	MOTION to Extend Time to File Opening Brief filed by Appellee Andrea M. Caston, Appellee Richard Githens, Appellee Patrick Eugene Wagher, Appellee Kendrick Allen. [24-3349, 24-2920] [Entered: 05/31/2024 01:13 PM]
06/03/2024	☐ 8 2 pg. 2025 KB	MEDIATION QUESTIONNAIRE filed by Appellant Hoffmann-La Roche, Inc., Appellant Roche Laboratories Inc.. To submit pertinent confidential information directly to the Circuit Mediators, please email ca09_mediation@ca9.uscourts.gov and include the case name and number in the subject line. 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. [24-3349, 24-2920] [Entered: 06/03/2024 01:39 PM]
06/06/2024	☐ 9 2 pg. 185 KB	ORDER FILED. Plaintiffs' unopposed motion (Docket Entry No. 7) for an extension of time to file the first brief on cross-appeal is granted. The first brief on cross-appeal is due September 16, 2024. The second brief on cross-appeal is due October 16, 2024. The third brief on cross-appeal is due November 15, 2024. The optional cross-appeal reply brief is due within 21 days after service of the third brief on cross-appeal. [24-2920, 24-3349] [Entered: 06/06/2024 11:56 AM]
06/07/2024	☐ 10 2 pg. 215 KB	ORDER FILED. In addition to all other issues the parties wish to raise in their briefs, the parties must address the basis for this court's jurisdiction over cross-appeal No. 24-3349. See United States v. Good Samaritan Church, 29 F.3d 487, 488 (9th Cir. 1994) ("A party may not appeal from a judgment or decree in his favor, for the purpose of obtaining a review of findings he deems erroneous which are not necessary to support the decree." (quoting Elec. Fittings Corp. v. Thomas & Betts Co., 307 U.S. 241, 242 (1939))). [24-3349, 24-2920] [Entered: 06/07/2024 10:23 AM]