



Public Information Office
United States Courts for the Ninth Circuit
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NEWS RELEASE

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Court of Appeals Schedules Special Sitting at UC Irvine School of Law

SAN FRANCISCO – The United States Court of Appeals for the Ninth Circuit will hold a special sitting January 18, 2012, at the University of California at Irvine School of Law. Oral arguments will begin at 10 a.m. in the law school’s Robinson Courtroom, 401 East Peltason Drive. A photo ID will be required for access into courtroom.

A three-judge panel consisting of Chief Judge Alex Kozinski, Circuit Judges Kim McLane Wardlaw and Richard A. Paez, both of Pasadena, will hear appeals of decisions by the U.S. district courts for the Northern and Southern districts of California. Among the cases on the docket are:

- *Carrea v. Dreyer’s Grand Ice Cream, Inc.*, in which Mirko Carrea and others similarly situated, appeal the Northern California district court’s dismissal of plaintiffs’ diversity action brought against Dreyer’s Grand Ice Cream, Inc., and Nestle USA, alleging violations of California’s Unfair Competition Law, False Advertising Law, Consumer Legal Remedies Act, and New York Business Law. Plaintiffs alleged that Dreyer’s made misleading and deceptive statements that its ice cream products were nutritious and healthy, when they actually contain hydrogenated oil and high levels of fat. Case 11-15263
- *Marsh v. County of San Diego*, in which Brenda Marsh appeals from the Southern California district court’s summary judgment in her action alleging that former deputy district attorney Jay Coulter illegally copied and distributed copies of her son’s autopsy photographs in violation of California Code of Civil Procedure and her right to privacy under state and federal law. The photographs were used in the prosecution of Marsh’s then boyfriend for murder. Coulter also distributed one of the photographs to reporters after he retired. Case 11-55395

- *Makaeff v. Trump University, LLC*, in which Tarla Makaeff, on behalf of herself and others similarly situated, appeals the Southern California district court's denial of her California Code of Civil Procedure anti-SLAPP motion to strike Trump University, LLC's, counterclaim, and its order denying her motion for reconsideration. Makaeff filed a diversity class action complaint against Trump University alleging it engaged in deceptive business practices, and Trump filed a counterclaim for defamation per se. Makaeff brought her anti-SLAPP motion to strike, alleging that Trump University's motive in filing the counterclaim was to retaliate against her for her exercise of free speech and to intimidate her into dropping her lawsuit. The district court held that Makaeff met her burden of establishing that the defamation claim arose out of protected First Amendment activity, but Trump University met its burden of establishing a reasonable probability that it will succeed on the merits of its defamation claim. Case 11-55016

The Ninth Circuit Court of Appeals hears appeals of cases decided by executive branch agencies and federal trial courts in nine western states and two Pacific Island jurisdictions. The court normally meets monthly in Seattle, San Francisco and Pasadena, California; every other month in Portland, Oregon; three times per year in Honolulu, Hawaii; and twice a year in Anchorage, Alaska. A complete schedule of cases is available online at <http://www.ca9.uscourts.gov>.

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