

General Docket
United States Court of Appeals for the Fifth Circuit

Court of Appeals Docket #: 22-20317	Docketed: 06/29/2022
Nature of Suit: 4365 P.I. - Product Liability Sanders v. Boeing Company	
Appeal From: Southern District of Texas, Houston	
Fee Status: Fee Paid	
Case Type Information:	
1) Private Civil Diversity	
2) Private	
3)	
Originating Court Information:	
District: 0541-4 : 4:21-CV-4042	
Originating Judge: Kenneth M. Hoyt, U.S. District Judge	
Date Filed: 12/13/2021	
Date NOA Filed:	Date Rec'd COA:
06/29/2022	06/29/2022
Prior Cases:	
None	
Current Cases:	
None	
Panel Assignment: Not available	

<p>Lee Marvin Sanders Plaintiff - Appellant</p>	<p>Joshua P. Davis, Attorney Direct: 713-337-4100 Email: josh@thejdfirm.com Fax: 713-337-4101 [COR LD NTC Retained] Suite 200 1010 Lamar Street Houston, TX 77002-0000</p>
<p>Matthew Sodrok Plaintiff - Appellant</p>	<p>Joshua P. Davis, Attorney Direct: 713-337-4100 [COR LD NTC Retained] (see above)</p>
<p>v.</p>	
<p>Boeing Company Defendant - Appellee</p>	<p>Eric B. Wolff Direct: 208-359-8000 Email: ewolff@perkinscoie.com [COR LD NTC Retained]</p>

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Lee Marvin Sanders; Matthew Sodrok,

Plaintiffs - Appellants

v.

The Boeing Company; Kidde Technologies, Incorporated; Jamco America, Incorporated,

Defendants - Appellees

06/29/2022 [1](#) PRIVATE CIVIL DIVERSITY CASE docketed. NOA filed by Appellants Mr. Lee Marvin Sanders and Mr. Matthew Sodrok [22-20317] (ABT) [Entered: 06/29/2022 01:35 PM]

07/06/2022 [5](#) INITIAL CASE CHECK by Attorney Advisor complete. Action: Case OK to Process. [5] Initial AA Check Due satisfied. [22-20317] (ABT) [Entered: 07/06/2022 09:47 AM]

- 07/06/2022 6 ELECTRONIC RECORD ON APPEAL REQUESTED from District Court for 4:21-CV-4042. Electronic ROA due on 07/21/2022. [22-20317] (ABT) [Entered: 07/06/2022 09:53 AM]
- 07/11/2022 [7](#) APPEARANCE FORM for the court's review. Lead Counsel? Yes. [22-20317] (Steven Dominic Sanfelippo) [Entered: 07/11/2022 10:26 AM]
- 07/11/2022 [8](#) APPEARANCE FORM for the court's review. Lead Counsel? No. [22-20317] (Gary Swaim) [Entered: 07/11/2022 10:29 AM]
- 07/11/2022 [9](#) APPEARANCE FORM received from Mr. Alex Joseph Whitman for Jamco America, Incorporated for the court's review. Lead Counsel? No. [22-20317] (Alex Joseph Whitman) [Entered: 07/11/2022 10:32 AM]
- 07/12/2022 10 ELECTRONIC RECORD ON APPEAL FILED. Admitted Exhibits on File in District Court? No. Video/Audio Exhibits on File in District Court? No Electronic ROA deadline satisfied. [22-20317] (CMB) [Entered: 07/12/2022 09:03 AM]
- 07/12/2022 [11](#) BRIEFING NOTICE ISSUED A/Pet's Brief Due on 08/22/2022 for Appellants Lee Marvin Sanders and Matthew Sodrok. [22-20317] (CMB) [Entered: 07/12/2022 09:03 AM]
- 07/12/2022 [12](#) APPEARANCE FORM received from Mr. Joshua P. Davis for Mr. Lee Marvin Sanders and Mr. Matthew Sodrok for the court's review. Lead Counsel? Yes. [22-20317] (Joshua P. Davis) [Entered: 07/12/2022 11:33 AM]
- 07/12/2022 13 APPEARANCE FORM FILED by Attorney Joshua P. Davis for Appellant Matthew Sodrok in 22-20317, Attorney Joshua P. Davis for Appellant Lee Marvin Sanders in 22-20317 [22-20317] (ABT) [Entered: 07/12/2022 01:56 PM]
- 07/13/2022 14 APPEARANCE FORM FILED by Attorney(s) Gary Swaim, Steven Dominic Sanfelippo for party(s) Appellee Jamco America, Incorporated, in case 22-20317 [22-20317] (ABT) [Entered: 07/13/2022 07:34 AM]
- 07/13/2022 16 APPEARANCE FORM FILED by Attorney Alex Joseph Whitman for Appellee Jamco America, Incorporated in 22-20317 [22-20317] (ABT) [Entered: 07/13/2022 10:10 AM]
- 07/13/2022 [17](#) APPEARANCE FORM for the court's review. Lead Counsel? Yes. [22-20317] (Eric B. Wolff) [Entered: 07/13/2022 03:23 PM]
- 07/13/2022 [18](#) APPEARANCE FORM received from Mr. Daniel Patrick Ridlon for Boeing Company for the court's review. Lead Counsel? No. [22-20317] (Daniel Patrick Ridlon) [Entered: 07/13/2022 03:26 PM]
- 07/13/2022 [19](#) APPEARANCE FORM for the court's review. Lead Counsel? No. [22-20317] (Laura Hill) [Entered: 07/13/2022 03:28 PM]
- 07/13/2022 [20](#) APPEARANCE FORM for the court's review. Lead Counsel? No. [22-20317] (John Russell Hardin) [Entered: 07/13/2022 03:31 PM]
- 07/13/2022 21 APPEARANCE FORM FILED by Attorney(s) John Russell Hardin for party(s) Appellee Boeing Company, in case 22-20317 [22-20317] (SDH) [Entered: 07/13/2022 03:39 PM]
- 07/13/2022 22 APPEARANCE FORM FILED by Attorney(s) Laura Hill for party(s) Appellee

Boeing Company, in case 22-20317 [22-20317] (SDH) [Entered: 07/13/2022 03:41 PM]

07/13/2022 24 APPEARANCE FORM FILED by Attorney(s) Eric B. Wolff for party(s) Appellee Boeing Company, in case 22-20317, by Attorney Daniel Patrick Ridlon for Appellee Boeing Company in 22-20317 [22-20317] (SDH) [Entered: 07/13/2022 03:48 PM]

07/15/2022 [26](#) APPEARANCE FORM received from Mr. Geffrey W. Anderson for Kidde Technologies, Incorporated for the court's review. Lead Counsel? Yes. [22-20317] (Geffrey W. Anderson) [Entered: 07/15/2022 02:48 PM]

07/15/2022 [27](#) APPEARANCE FORM for the court's review. Lead Counsel? No. [22-20317] (Shannon Dugan) [Entered: 07/15/2022 03:06 PM]

07/15/2022 28 APPEARANCE FORM FILED by Attorney Geffrey W. Anderson for Appellee Kidde Technologies, Incorporated in 22-20317, by Attorney(s) Shannon Dugan for party(s) Appellee Kidde Technologies, Incorporated, in case 22-20317 [22-20317] (ABT) [Entered: 07/15/2022 04:19 PM]

08/16/2022 [30](#) UNOPPOSED MOTION filed by Appellants Mr. Lee Marvin Sanders and Mr. Matthew Sodrok to extend time to file brief as appellant until 09/15/2022 [30]. Date of service: 08/16/2022 via email - Attorney for Appellees: Anderson, Dugan, Hardin, Hill, Ridlon, Sanfelippo, Swaim, Whitman, Wolff; Attorney for Appellant: Davis [22-20317] (Joshua P. Davis) [Entered: 08/16/2022 05:07 PM]

08/17/2022 [31](#) CLERK ORDER granting Motion to extend time to file appellants' brief filed by Appellants Mr. Lee Marvin Sanders and Mr. Matthew Sodrok [[30](#)] Appellants' Brief deadline updated to 09/21/2022 for Appellants Lee Marvin Sanders and Matthew Sodrok [22-20317] (ABT) [Entered: 08/17/2022 07:51 AM]

09/14/2022 [32](#) UNOPPOSED MOTION filed by Appellants Mr. Lee Marvin Sanders and Mr. Matthew Sodrok to extend time to file brief as appellant until 10/14/2022 [32]. Date of service: 09/14/2022 via email - Attorney for Appellees: Anderson, Dugan, Hardin, Hill, Ridlon, Sanfelippo, Swaim, Whitman, Wolff; Attorney for Appellant: Davis [22-20317] (Joshua P. Davis) [Entered: 09/14/2022 11:09 AM]

09/16/2022 [36](#) CLERK ORDER granting Motion to extend time to file appellant's brief filed by Appellants Mr. Lee Marvin Sanders and Mr. Matthew Sodrok [[32](#)] A/Pet's Brief deadline updated to 10/12/2022 for Appellants Lee Marvin Sanders and Matthew Sodrok [22-20317] (ABT) [Entered: 09/16/2022 07:58 AM]

09/22/2022 [37](#) UNOPPOSED MOTION filed by Appellants Mr. Lee Marvin Sanders and Mr. Matthew Sodrok to extend time to file brief as appellant until 10/21/2022 [37]. Date of service: 09/22/2022 via email - Attorney for Appellees: Anderson, Dugan, Hardin, Hill, Ridlon, Sanfelippo, Swaim, Whitman, Wolff; Attorney for Appellant: Davis [22-20317] (Joshua P. Davis) [Entered: 09/22/2022 04:13 PM]

09/22/2022 [41](#) CLERK ORDER granting Motion to extend time to file appellant's brief filed by Appellants Mr. Lee Marvin Sanders and Mr. Matthew Sodrok. [[37](#)] A/Pet's Brief deadline updated to 10/21/2022 for Appellants Lee Marvin Sanders and Matthew Sodrok. [22-20317] (RLL) [Entered: 09/22/2022 04:55 PM]

10/21/2022 [42](#) APPELLANT'S BRIEF FILED
A/Pet's Brief deadline satisfied. Appellee's Brief due on 11/21/2022 for Appellees

- Boeing Company, Jamco America, Incorporated and Kidde Technologies, Incorporated [22-20317]
 REVIEWED AND/OR EDITED - The original text prior to review appeared as follows: APPELLANT'S BRIEF FILED by Mr. Lee Marvin Sanders and Mr. Matthew Sodrok. Date of service: 10/21/2022 via email - Attorney for Appellees: Anderson, Dugan, Hardin, Hill, Ridlon, Sanfelippo, Swaim, Whitman, Wolff; Attorney for Appellant: Davis [22-20317] (Joshua P. Davis) [Entered: 10/21/2022 05:21 PM]
- 10/21/2022 [43](#) SUFFICIENT RECORD EXCERPTS FILED. Sufficient Record Excerpts deadline satisfied [22-20317]
 REVIEWED AND/OR EDITED - The original text prior to review appeared as follows: RECORD EXCERPTS FILED. Record Excerpts NOT Sufficient as they require the document attached to Tab 2 is blank or corrupt and unable to load.. Instructions to Attorney: PLEASE READ THE ATTACHED NOTICE FOR INSTRUCTIONS ON HOW TO REMEDY THE DEFAULT. Sufficient Record Excerpts due on 11/04/2022 for Appellants Lee Marvin Sanders and Matthew Sodrok [22-20317] REVIEWED AND/OR EDITED - The original text prior to review appeared as follows: APPENDIX FILED by Appellants Mr. Lee Marvin Sanders and Mr. Matthew Sodrok Date of Service: 10/21/2022 via email - Attorney for Appellees: Anderson, Dugan, Hardin, Hill, Ridlon, Sanfelippo, Swaim, Whitman, Wolff; Attorney for Appellant: Davis [22-20317] (Joshua P. Davis) [Entered: 10/21/2022 07:01 PM]
- 10/27/2022 [44](#) PROPOSED SUFFICIENT RECORD EXCERPTS filed by Appellants Mr. Lee Marvin Sanders and Mr. Matthew Sodrok [[43](#)] Date of service: 10/27/2022 via email - Attorney for Appellees: Anderson, Dugan, Hardin, Hill, Ridlon, Sanfelippo, Swaim, Whitman, Wolff; Attorney for Appellant: Davis [22-20317] (Joshua P. Davis) [Entered: 10/27/2022 10:14 AM]
- 11/10/2022 [45](#) UNOPPOSED LEVEL 1 EXTENSION REQUESTED by Appellee Boeing Company for filing Request for 30 day Extension of Appellees' Deadline to file briefs. until 12/21/2022 [22-20317] (Eric B. Wolff) [Entered: 11/10/2022 12:16 PM]
- 11/10/2022 46 EXTENSION RECEIVED for Appellee Boeing Company ONLY. Extension Granted to and including 12/21/2022. E/Res's Brief deadline updated to 12/21/2022 for Appellee Boeing Company [22-20317] This request is not being treated as a joint motion because there is no signature block for other attorneys and there are no reasons listed or designated as reasons for their extension requests. (ABT) [Entered: 11/10/2022 03:36 PM]
- 11/10/2022 [47](#) UNOPPOSED LEVEL 1 EXTENSION REQUESTED by Appellee Jamco America, Incorporated for filing Appellee's Brief until 12/21/2022 [22-20317] (Steven Dominic Sanfelippo) [Entered: 11/10/2022 04:45 PM]
- 11/10/2022 48 EXTENSION RECEIVED for Appellee Jamco America, Incorporated ONLY. Extension Granted to and including 12/21/2022. E/Res's Brief deadline updated to 12/21/2022 for Appellee Jamco America, Incorporated [22-20317] (CCR) [Entered: 11/10/2022 04:50 PM]
- 11/11/2022 [49](#) UNOPPOSED LEVEL 1 EXTENSION REQUESTED by Appellee Kidde Technologies, Incorporated for filing Appellee's Brief until 12/21/2022 [22-20317]

- (Geffrey W. Anderson) [Entered: 11/11/2022 03:18 PM]
- 11/14/2022 50 EXTENSION RECEIVED for Appellee Kidde Technologies, Incorporated. Extension Granted to and including 12/21/2022. E/Res's Brief deadline updated to 12/21/2022 for Appellee Kidde Technologies, Incorporated [22-20317] (CCR) [Entered: 11/11/2022 03:22 PM]
- 12/21/2022 [51](#) APPELLEE'S BRIEF FILED E/Res's Brief deadline satisfied [22-20317] REVIEWED AND/OR EDITED - The original text prior to review appeared as follows: APPELLEE'S BRIEF FILED by Boeing Company. Date of service: 12/21/2022 via email - Attorney for Appellees: Anderson, Dugan, Hardin, Hill, Ridlon, Sanfelippo, Swaim, Whitman, Wolff; Attorney for Appellant: Davis [22-20317] (Eric B. Wolff) [Entered: 12/21/2022 02:18 PM]
- 12/21/2022 [52](#) APPELLEE'S BRIEF FILED E/Res's Brief deadline satisfied [22-20317] REVIEWED AND/OR EDITED - The original text prior to review appeared as follows: APPELLEE'S BRIEF FILED by Jamco America, Incorporated. Date of service: 12/21/2022 via email - Attorney for Appellees: Anderson, Dugan, Hardin, Hill, Ridlon, Sanfelippo, Swaim, Whitman, Wolff; Attorney for Appellant: Davis [22-20317] (Steven Dominic Sanfelippo) [Entered: 12/21/2022 04:18 PM]
- 12/21/2022 [53](#) APPELLEE'S BRIEF FILED E/Res's Brief deadline satisfied. Reply Brief due on 01/11/2023 for Appellants Lee Marvin Sanders and Matthew Sodrok [22-20317] REVIEWED AND/OR EDITED - The original text prior to review appeared as follows: APPELLEE'S BRIEF FILED by Kidde Technologies, Incorporated. Date of service: 12/21/2022 via email - Attorney for Appellees: Anderson, Dugan, Hardin, Hill, Ridlon, Sanfelippo, Swaim, Whitman, Wolff; Attorney for Appellant: Davis [22-20317] (Geffrey W. Anderson) [Entered: 12/21/2022 07:15 PM]
- 01/10/2023 [54](#) UNOPPOSED MOTION to extend time to file reply brief until 02/01/2023 [54]. Date of service: 01/10/2023 [22-20317] REVIEWED AND/OR EDITED - The original text prior to review appeared as follows: UNOPPOSED LEVEL 1 EXTENSION REQUESTED by Appellants Mr. Lee Marvin Sanders and Mr. Matthew Sodrok for filing Appellants' Motion for Extension of Time until 02/01/2023 [22-20317] (Joshua P. Davis) [Entered: 01/10/2023 01:41 PM]
- 01/11/2023 [58](#) CLERK ORDER granting in part Motion to extend time to file reply brief filed by Appellants Mr. Lee Marvin Sanders and Mr. Matthew Sodrok [[54](#)] Reply Brief deadline updated to 01/25/2023 for Appellants Lee Marvin Sanders and Matthew Sodrok [22-20317] (CCR) [Entered: 01/11/2023 04:46 PM]
- 01/25/2023 [59](#) APPELLANT'S REPLY BRIEF FILED Reply Brief deadline satisfied [22-20317] REVIEWED AND/OR EDITED - The original text prior to review appeared as follows: APPELLANT'S REPLY BRIEF FILED by Mr. Lee Marvin Sanders and Mr. Matthew Sodrok. Date of service: 01/25/2023 via email - Attorney for Appellees: Anderson, Dugan, Hardin, Hill, Ridlon, Sanfelippo, Swaim, Whitman, Wolff; Attorney for Appellant: Davis [22-20317] (Joshua P. Davis) [Entered: 01/25/2023 09:46 PM]
- 02/06/2023 [67](#) PAPER COPIES REQUESTED for the Appellant Brief filed by Appellants Mr.

- Lee Marvin Sanders and Mr. Matthew Sodrok in 22-20317 [\[42\]](#), Record Excerpts filed by Appellants Mr. Lee Marvin Sanders and Mr. Matthew Sodrok in 22-20317 [\[43\]](#), Appellant Reply Brief filed by Appellants Mr. Lee Marvin Sanders and Mr. Matthew Sodrok in 22-20317 [\[59\]](#), Appellee Brief filed by Appellee Kidde Technologies, Incorporated in 22-20317 [\[53\]](#), Appellee Brief filed by Appellee Jamco America, Incorporated in 22-20317 [\[52\]](#), Appellee Brief filed by Appellee Boeing Company in 22-20317 [\[51\]](#). Paper Copies of Brief due on 02/13/2023 for Appellees Boeing Company, Jamco America, Incorporated and Kidde Technologies, Incorporated and Appellants Lee Marvin Sanders and Matthew Sodrok.. Paper Copies of Record Excerpts due on 02/13/2023 for Appellants Lee Marvin Sanders and Matthew Sodrok. [22-20317] (PFT) [Entered: 02/06/2023 09:44 AM]
- 02/10/2023 68 Paper copies of Appellant Brief filed by Appellants Mr. Lee Marvin Sanders and Mr. Matthew Sodrok in 22-20317 received. Paper copies match electronic version of document? Yes # of Copies Provided: 7. Paper Copies of Brief due deadline satisfied. [22-20317] (PAC) [Entered: 02/10/2023 02:00 PM]
- 02/10/2023 69 Paper copies of Record Excerpts filed by Appellants Mr. Lee Marvin Sanders and Mr. Matthew Sodrok in 22-20317 received. Paper copies match electronic version of document? Yes # of Copies Provided: 4. Paper Copies of Record Excerpts due deadline satisfied. [22-20317] (PAC) [Entered: 02/10/2023 02:01 PM]
- 02/10/2023 71 Paper copies of Appellee Brief filed by Appellee Boeing Company in 22-20317 received. Paper copies match electronic version of document? Yes # of Copies Provided: 7. Paper Copies of Brief due deadline satisfied. [22-20317] (PAC) [Entered: 02/10/2023 02:06 PM]
- 02/10/2023 72 Paper copies of Appellee Brief filed by Appellee Jamco America, Incorporated in 22-20317 received. Paper copies match electronic version of document? Yes # of Copies Provided: 7. Paper Copies of Brief due deadline satisfied. [22-20317] (PAC) [Entered: 02/10/2023 02:09 PM]
- 02/10/2023 73 Paper copies of Appellant Reply Brief filed by Appellants Mr. Lee Marvin Sanders and Mr. Matthew Sodrok in 22-20317 received. Paper copies match electronic version of document? Yes # of Copies Provided: 7. Paper Copies of Brief due deadline satisfied. [22-20317] (PAC) [Entered: 02/10/2023 02:15 PM]
- 02/13/2023 74 Paper copies of Appellee Brief filed by Appellee Kidde Technologies, Incorporated in 22-20317 received. Paper copies match electronic version of document? Yes # of Copies Provided: 7. [22-20317] (PAC) [Entered: 02/13/2023 09:25 AM]
- 03/16/2023 [78](#) CASE TENTATIVELY calendared for oral argument for the week of 05/01/2023. [22-20317] (CBW) [Entered: 03/16/2023 12:40 PM]
- 03/22/2023 [79](#) CASE CALENDARED for oral argument on Tuesday, 05/02/2023 in New Orleans in the West Courtroom -- AM session. The courtroom deputy assigned to your case is Kim M. Pollard. See the letter attached for full contact information.. [22-20317] (KMP) [Entered: 03/22/2023 12:28 PM]
- 03/22/2023 [81](#) ORAL ARGUMENT ACKNOWLEDGMENT AND DESIGNATION FORM FILED by Attorney Mr. Joshua P. Davis for Appellants Mr. Lee Marvin Sanders and Mr. Matthew Sodrok [22-20317] (Joshua P. Davis) [Entered: 03/22/2023

02:30 PM]

- 04/04/2023 [82](#) ORAL ARGUMENT ACKNOWLEDGMENT AND DESIGNATION FORM FILED by Attorney Ms. Laura Hill for Appellee Boeing Company [22-20317] (Laura Hill) [Entered: 04/04/2023 12:48 PM]
- 04/04/2023 [83](#) ORAL ARGUMENT ACKNOWLEDGMENT AND DESIGNATION FORM FILED by Attorney Mr. Steven Dominic Sanfelippo for Appellee Jamco America, Incorporated [22-20317] (Steven Dominic Sanfelippo) [Entered: 04/04/2023 01:32 PM]
- 04/05/2023 [84](#) ORAL ARGUMENT ACKNOWLEDGMENT AND DESIGNATION FORM FILED by Attorney Ms. Shannon Dugan for Appellee Kidde Technologies, Incorporated [22-20317] (Shannon Dugan) [Entered: 04/05/2023 04:50 PM]
- 04/12/2023 [85](#) CHANGE CALENDAR information. The panel to whom the above referenced case is assigned has determined under FRAP 34(a) that oral argument will not be required in this case. Therefore, counsel need not appear for argument on 05/02/2023. [22-20317] (KMP) [Entered: 04/12/2023 03:12 PM]
- 04/12/2023 86 CALENDARED CASE CONTINUED. [22-20317] (KMP) [Entered: 04/12/2023 04:33 PM]
- 04/12/2023 [87](#) LETTER OF ADVISEMENT. Please see attached. [22-20317] (KMP) [Entered: 04/12/2023 04:36 PM]
- 05/25/2023 [94](#) NON DISPOSITIVE PUBLISHED OPINION FILED. Judge: JWE, Judge: JCH, Judge: CTW. Case 22-20317 placed in abeyance for certified questions in Supreme Court of Texas; certifying question to Supreme Court of Texas [94] [22-20317] (WMJ) [Entered: 05/25/2023 10:48 AM]