

CASE UPDATE: APPEAL FROM THE U.S. DISTRICT COURT IS TAKING PLACE IN THE U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT

The case is currently on appeal before the United States Court of Appeals for the Ninth Circuit, Case Number 19-55891. The federal appeal is taking place at:

THE RICHARD H. CHAMBERS COURTHOUSE
125 SOUTH GRAND AVENUE,
PASADENA, CA 91105

Plaintiff-Appellant in appealing the U.S. District Court granting Defendant-Appellee ManTech's Post-Trial Motion of Judgment as a Matter of Law (JMOL), or in the Alternative Motion for New Trial, which was filed in response to a federal jury awarding Mr. Lillie a \$1,505,563 jury verdict on all three of his California state and federal whistleblower claims in United States District Court, which is addressed above. The Federal Order was issued on July 26, 2019.

On August 7, 2019, Mr. Aune was admitted to practice in the United States Court of Appeals for the Ninth Circuit. Mr. Aune represents Plaintiff-Appellant Lillie in this appeal. Mr. Aune is working with Washington D.C. based attorney Richard Renner of Kalijarvi, Chuzi, Newman & Fitch. Mr. Renner has extensive experience handling federal appellate matters having handled federal appeals involving whistleblowers in the U.S. Appellate Courts and the U.S. Supreme Court. Mr. Renner has decades of experience representing whistleblowers.

Defendant-Appellee ManTech Int'l Corp. is represented by attorneys Brian McLaughlin and Christine Hawes of Crowell Moring's Washington D.C. office and Gabrielle Trujillo of Crowell Moring's Los Angeles Office.

On February 28, 2020 Plaintiff-Appellant-Whistleblower David Lillie's submitted his Opening Brief to the Court for review. On March 5, 2020, the Court accepted for filing the Opening Brief and Excerpts of the Record submitted by Appellant David Lillie. Appellant's Excerpts of the Record included trial transcripts and exhibits from the February 2019 Federal Jury Trial which are cited to in the Opening Brief. The Ninth Circuit requires Excerpts of the Record be submitted by parties in addition to the Trial Transcript from the jury trial at the U.S. District Court level. Excerpts of the Record are the portions of the trial transcript that the party cites to in his, her or its briefs. The Ninth Circuit's Rule 30-1.1 requires the filing of Excerpts of the Record in an appeal.

On April 29, 2020 Appellee-Defendant ManTech Int'l Corp. filed its "Motion to Seal Portions of Supplemental Excerpts of Record". The Motion requested that certain documents and parts of the trial transcript from the February 2019 Federal Jury Trial be filed under seal with the U.S. Court of Appeals for the 9th Circuit. Appellee-Defendant also filed its Supplemental Excerpts of the Record ("SER"). Filing the documents "under seal" results in the public not being able to view the documents and/or portions of the trial transcript.

On May 11, 2020 Plaintiff-Appellant-Whistleblower David Lillie filed his Opposition to Defendant-

Appellee ManTech's Motion to Seal Portions of the Supplemental Excerpts of the Record. On May 16, 2020, Defendant-Appellee ManTech's filed its Reply in Support of its Motion to Seal Portions of the Supplemental Excerpts of the Record.

On May 20, 2020, the U.S. Court of Appeals for the 9th Circuit filed an Order stating in part that subject to reconsideration to the panel assigned to decide the merits of the appeal, Defendant-Appellee ManTech's opposed motion to file under seal Volume II of the supplemental excerpts of the record (trial transcripts and exhibits) is Granted. Also on May 20, 2020, the U.S. District Court for the Central District of California, which is the Trial Court in this matter, filed the Order issued earlier in the day by U.S. Court of Appeals for the 9th Circuit.

On May 26, 2020, Defendant-Appellee ManTech filed its Supplemental Excerpt of the Record (SER) II of II (REDACTED). This is the version of the ManTech's SER Vol II that the public will be able to access. The SER Vol II REDACTED has parts of the reporter's transcript from the jury trial redacted and omits the documents appearing at SER pages 256-269 and redactions of the reporter's transcripts as proposed by ManTech at SER pages 270-370.

On June 17, 2020, Plaintiff-Appellant and whistleblower David Lillie filed his Reply Brief and Further Excerpts of the Record in response to Defendant-Appellant ManTech's Answering Brief in this federal appeal.

On Sunday, July 26, 2020, the U.S. Court of Appeals for the 9th Circuit gave notice that this case is set for Oral Argument on Friday, October 9, 2020 at 9:00 a.m. in Courtroom 3 of The Richard Chambers Courthouse in Pasadena.